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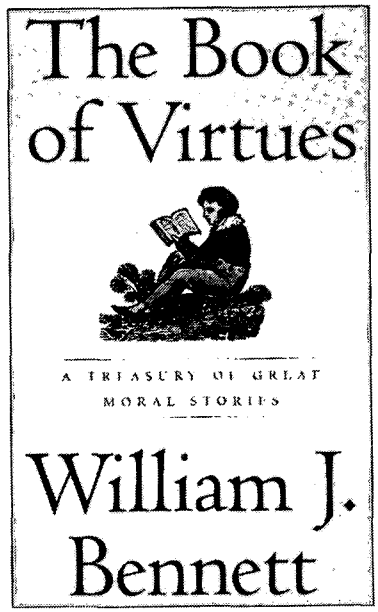

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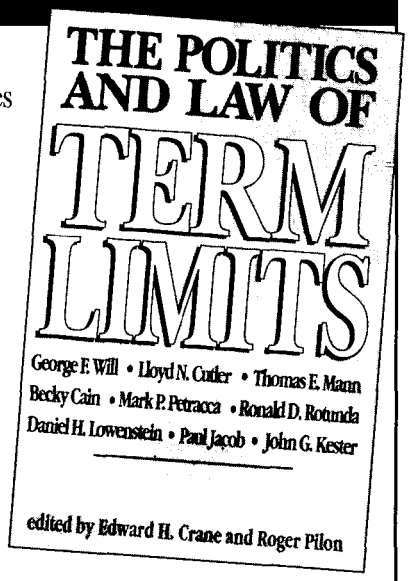
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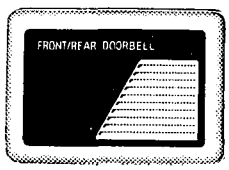

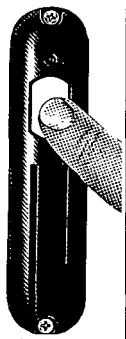

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ABOUT THIS MONTH

by

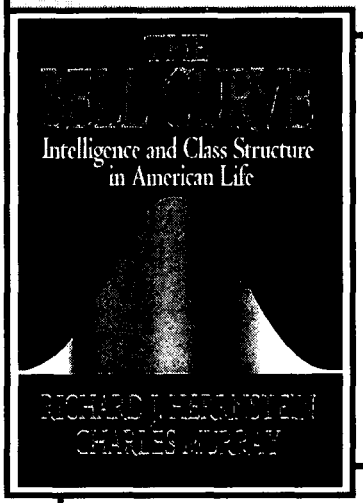
Wladyslaw Pleszczynski

ON NOVEMBER 2, ABC television's "Turning Point" devoted its entire hour to a shameless hyping of *Strange Justice*, the new Mayer-Abramson hate book on Clarence Thomas. In one of those defining moments that explain why that news "magazine" hasn't been seen since, the seemingly winsome Ms. Jane Mayer was shown describing the reaction of unnamed Senate Judiciary Committee staffers to Anita Hill's written statement against Clarence Thomas as it came in over the fax: "And they're lifting, you know, the pages off one by one reading it. And their reaction upon reading the language that she puts in Clarence Thomas's mouth is, 'Oh, shit!' " Don't you love it? Here's a journalist who thinks she can prove Clarence Thomas behaves and talks dirty casually acting that way herself. Of course, I don't mean to accuse Ms. Mayer of anything. If David Brock's epic discoveries regarding her book's sources are any indication (see page 30), it's likely someone else put that word in her mouth. My first guess would be Jill Abramson.

AND AS BAD CURRENCY drives out the good, *Strange Justice* has temporarily overshadowed Sen. John Danforth's page-turning memoir of the Hill affair. The book is called *Resurrection: The Confirmation of Clarence Thomas* and it's available from Viking for $19.95. Already belittled by the lonely crowd for its alleged "religious rhetoric" (actually, I was struck at how secondary religion seems to be for Danforth, an ordained minister), the book mounts the most credible defense of Thomas since Brock's *The Real Anita Hill* (on which it scarcely relies). Conservatives who often attacked Danforth for his moderate Republican commitments should give him his due. As he avers, he had no ideological stake in Thomas (he's a staunch defender of affirmative action, for example), and if the book has a weakness it is Danforth's unwillingness to confront Thomas's political beliefs. For Danforth it was enough to know Thomas as a human being, and it is safe to say that, if not for the principled moderate Danforth, the principled conservative Thomas would not be on the Supreme Court today.

DANFORTH IMPLIES AS much, when he notes that fellow GOP moderates Warren Rudman and William Cohen cast deciding votes for Thomas solely as a favor to him. Indeed, Danforth, who chose not to run for re-election this year, uses his book as a kind of farewell to the Senate. He settles a few scores—particularly with the mendacious Paul Simon and untrustworthy Daniel Patrick Moynihan—and sketches affectionate portraits of troopers like Bob Dole and Alan Simpson. And though he has reason to do otherwise, he can't help liking Joe Biden, who always tries hard not to let you down before doing just that. Danforth's departure comes at the end of an era. We're lucky to have Clarence Thomas on board, stronger than ever, as we begin a new one.

THE CONTROVERSIAL ROLE OF INTELLIGENCE IN HUMAN DESTINY



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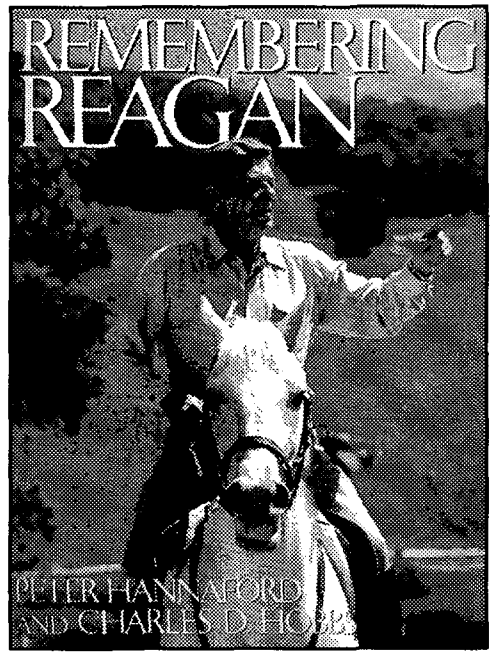

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Cover illustration by John Springs. Interior art by Ismael Roldán and Konstantin Valov.

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• November passes, and NEWT GINGRICH IS OUT OF CONTROL! Polite Society in Georgetown lives agog with fear. For thirty years the Liberals have been telling America that their political opponents are Extremists!, Bigots!, Enemies of Democracy!, Thugs!, and now these political opponents have control of both houses of Congress. Naturally the Liberals are in fear. It is the most amusing example of self-induced hysteria since the semi-naked galoots of the Cargo Cults went berserk over aeroplanes, though at least these were *aeroplanes.* The Republicans taking over on Capitol Hill are very pleasant people. Many read literary publications such as *The American Spectator.* Some are vegetarians.

• From London comes news that Mr. David Mellor, the gap-toothed *homme fatal* who was forced from the Tory cabinet in 1992 midst charges of marital infidelity, is leaving his wife of twenty years on account of his parallel relationship with the blond-haired, amber-eyed policy wonk, Viscountess Cobham, his former aide at the Department of National Heritage. Tory rectitude has been sullied by successive reports of sexual irregularities among parliamentarians, though Mr. Mellor's difficulties have at least been free of the suggestion of sexual deviance. Truth be known they have occasionally shown a touch of class. His wife, Judith, obviously was devoted to him, loyally supporting him through all the obviously unwelcome news coverage of his extramarital excursions, and at times even allowing the press to photograph her standing by the embattled husband and without that trademark wheel of Stilton cheese that she has always held under her arm at public functions. No one knows why. As for Mr. Mellor's lady friends, one, Miss Mona Bauwens, paid for *his* vacation two years ago; and the other, the actress Miss Antonia de Sancha, has since married her dentist. Turning to Mr. Mellor's latest inamorata, Lady Cobham, she is certainly no lightweight. Early in the month she discussed with London's *Daily Telegraph* her "huge passion" for food, asserting that "Cherries have to be my favorite; chewing the flesh off the stones, getting juice on your fingers—it's messy and you have to work, but that's why they are so rewarding." And does it not bespeak the fabled solidity of the British aristocracy that Lady Cobham's husband, Viscount Cobham, has no plans to end the marriage? According to London's *Sunday Times*, he has assessed the "deep bond" between his wife and Mr. Mellor and "understood the situation entirely." He also is no fool, having been described in the *Telegraph* as "an endearing sort who talks in cricket metaphors."

• Part of the Clinton endeavor to move policy to the center might have been previewed by the Justice Department's crackdown on parrot smuggling. After the stringent sentencing of sixteen members of a south Texas ring that had been bringing rare and potentially diseased parrots into the United States from southern climes, Assistant Attorney General Lois J. Schiffer warned: "Parrot smugglers are criminals who will be prosecuted and punished wherever we find them." In Los Angeles, California, the O.J. Simpson trial continues, and there seems to be no way Americans who love their country can obliterate what is becoming a huge national embarrassment, one surpassed only by the Clinton presidency and the nomination of *Strange Justice* for a National Book Award even before that dreadful spittoon of falsehoods and infantile malice was published. Possibly for the good of America's reputation abroad a strike force could be mustered, say, from the stalwart ranks of the American Legion or the Veterans of Foreign Wars, to spring Mr. Simpson and secret him in a remote area of the Argentine pampas or at the country home of Mr. David Mellor; but how to hide this colossal ass Judge Lance Ito? In the middle of the month, after admonishing all participants in the trial to avoid the press, he granted a five-part interview to Los Angeles's KCBS-TV that featured baby photos of Judge Ito as well as intimate revelations about his youthful rebellion against parents who sent him to Japanese elementary school, made him eat *kung fu* (I believe that was it), and hid the last three syllables of his last name.

• Judge Ito was not the only manifestation of our judiciary's general imbecility. In Cincinnati, Ohio, Municipal Court Judge William Mallory, Jr. ruled that a disgusting videotape depicting the sexual torture of teenagers could not be used as evidence in an obscenity case because police had kept the video beyond the two-day rental period. And there is more: the American Civil Liberties Union is weighing the possibility of joining the parents of some squeamish students at Hollidaysburg Area Senior High School in greater Hollidaysburg, Pennsylvania, in a court case arguing that their children ought not to have to take showers after gym class. The school now requires those showers, and the students are reluctant to undress for the showers. Doubtless an American judge can be found to suggest that the students shower fully clothed. Good sense, however, has prevailed in a Fort Worth, Texas courtroom. There a jury rejected a teenager's defense that he—a black—was justified in murdering two unarmed men—both black—because he suffered the "urban survival syndrome." The syndrome, defined by defense lawyers as "the fear that black people have of other black people," had convinced an earlier jury.

• November saw the death of Dr. James Watts, 90. Veteran readers of the *New Republic* will not fail to remember Dr.

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Watts as the neurosurgeon who since the 1930s championed the frontal lobotomy. Mr. Erwin Knoll, 63, editor of the *Progressive*, died at his home after a heart attack. Rumors that Mr. Knoll suffered cardiac arrests when a passerby innocently whistled the National Anthem within ear shot of the life-long radical have proven to be unfounded. Dr. Norville Downie, 83, passed to his reward. Dr. Downie is the one-time psychology professor who became one of the world's foremost beetle collectors. He died of natural causes.

• And as we go to press it is reported that Mr. Al Hunt, former Washington bureau chief for the *Wall Street Journal* and a regular on the CNN talk show "Capital Gang," died peacefully in his country home. Mr. Hunt was known for a concise prose style owing in part to the limited vocabulary at his disposal and to his comprehension of but a very few ideas, all rather simple. On television his smiling demeanor betrayed a volatile character easily inflamed by wild passions. Just before his death those passions took hold of him once again on "Capital Gang," where he rose to the defense of Miss Anita Hill, denied the right of Mr. David Brock, author of *The Real Anita Hill,* to be called a reporter, and insisted Mr. Brock's book was paid for "in part by a right-wing conservative foundation" to fabricate a story about Miss Hill whose conclusions were pre-ordained. At the time of the outburst I cautioned him. I warned him to get a grip on those fierce passions, reminding him that "a genealogical survey would doubtless reveal among your ancestors a goodly number of Greeks, Turks, and Mohammedans, as well as other ferocious peoples." But the warning went unheeded. His was not a happy life. Early in the month the personal effects of confessed murderer and cannibal Mr. Jeffrey Dahmer were listed for auction. In a curious coincidence Mr. Dahmer's possessions—handcuffs, a sledgehammer, off-color videos, a lava lamp, a power drill, a handsaw, heavy duty chemical-resistant gloves, a hypodermic needle, and a 20-gallon kettle—were very similar to possessions found in Mr. Hunt's country house. It sort of makes you think, particularly after Mr. Dahmer's great escape on November 28.

• The literary career of Miss Anna Quindlen was placed in question when a developer got permission to build twenty-three homes next to the 1830s Pennsylvania farmhouse in which she has threatened to write her masterpieces of fiction and bilge. She is suing the developer, and it is entirely possible that she will find a judge sufficiently illiterate or simply balmy enough to fear the loss of Miss Quindlen's literary output and scotch those twenty-three homes. In Allenwood, Pennsylvania, Mr. Randall Terry, founder of Operation Rescue, began serving a five-month prison sentence for conspiring to show Our President an aborted fetus. Our President looked away. And the investigation continues into how, anterior to Our President's pre-election visit to the Middle East, some rogue left Miss Dee Dee Myers's luggage in Washington. Several days without a fresh change of linen? What could be behind such dereliction, other than the hope of some Arabist in the State Department that after a few days even the fair Miss Myers might smell like a Mideast beauty queen?

—RET

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Christmas Bonus

(Ed. Note: The following Christmas Book recommendations reached us too late for inclusion in last month's listings.)

1. *Diplomacy*, by Henry Kissinger. A brilliant seminar on European diplomacy from Richelieu on down—and you are the only student. You will not just know more when you have read the book, you will think better.

2. *The Bell Curve*, by Richard J. Herrnstein and Charles Murray. Spite the critics by reading the book most of them have not. A landmark study of IQ and social class.

3. *More Precious Than Peace*, by Peter W. Rodman. A masterful account of the Great Game of the Cold War—the fight for the Third World—and how we won it. The perfect gift for Cold War revisionists who think the Berlin Wall came down because of poor carpentry.

4. *The Leveling Wind*, by George F. Will. You need one collection for your Christmas basket, so why not the best?

5. *The Passion of His Time*, by John le Carré (forthcoming soon). For ideological balance and a fast, gripping read.

—Charles Krauthammer
Washington, D.C.

DNA Findings and Corrections

William Tucker mistakenly asserts ("O.J.'s DNA in Court" *TAS*, November 1994) that there are "twenty-six human chromosomes." Actually, only lawyers have twenty-six. The rest of us have twenty-three.

—Yale Kramer, M.D.
New York, New York

William Tucker's article in the November issue is in error about my receiving funds:

(1) I have not profited from any royalties as he stated.

(2) Baylor College of Medicine handles all patents and royalties for academic discoveries and inventions via BCM Technologies, Inc., its wholly owned technology transfer subsidiary.

(3) Income from all patents or inventions, which could come to me under Baylor's patent policy, has been donated directly to support the M.D./Ph.D. program at Baylor. I do not receive these monies.

You can imagine my irritation with Tucker's incorrect statement indicating I had received $15,000. Wrong! Further, I do not "hold a patent" in the field—I am co-inventor on a pending patent application that was filed by, and is owned by, Baylor College of Medicine. Tucker best check his sources in the future, which he indicates to be Scheck and Neufeld.

—C. Thomas Caskey, M.D.
Henry and Emma Meyer Professor
Chairman, Department of Molecular and Human Genetics
Baylor College of Medicine
Houston, Texas

William Tucker replies:

With reference to Dr. Caskey's letter: My story said that Neufeld and Scheck *charged* Dr. Caskey with profiting from DNA technology while testifying in its favor. I also reported that a Federal court had twice rejected these charges. I am sorry I did not provide further details as to why the charge was rejected.

Also, as Dr. Kramer and many readers pointed out, human beings have 23 pairs of chromosomes (46 chromosomes), not 26 chromosomes.

Let me also take this opportunity to apologize to Dr. Eric S. Lander of the Whitehead Institute for Biomedical Research at MIT. I confused Lander with Daniel Hartl (then of Washington University, St. Louis; now of Harvard) in reporting the events at the *Yee* trial in Ohio in 1991. Lander, who is a molecular biologist, did not testify for the defense but as a witness for the court. He was not embarrassed on the witness stand, nor did he receive a $28,000 fee for testifying. It was Hartl, who is a population geneticist, who did all of the above. Shortly thereafter, Hartl also co-authored the paper for *Science* with Richard Lewontin of Harvard, which laid out the controversial "ceilings" hypothesis.

Since the November article appeared, Lander, a longtime critic of DNA profiling, joined Bruce Budowle of the FBI in co-authoring a paper for *Nature* that accepts the technique as valid. The authors said that laboratory techniques have now improved to the point where there is no question of their quality. They also accepted a modified version of the ceilings hypothesis, which places the odds for the false implication of an innocent person somewhere between 1-in-6.5 million and 1-in-15 billion. The authors said they could "identify no remaining problem that should prevent the full use of DNA evidence in any court" and expressed hope that "the DNA fingerprinting wars are over." In the *New York Times* report of October 27, Professor Hartl was quoted as saying he is "perfectly happy" with Lander's and Budowle's conclusions.

Hunt Country

I have no desire to participate in Republican civil wars, or at least the campaign to replace John Kasich with Chris Cox as the top Republican on the House Budget Committee. But in a critical article on Rep. Kasich ("The Trouble With John Kasich," *TAS*, November 1994), Bob Novak wrote that the Ohio congressman "has received the stamp of approval from that powerful liberal arbiter of value in the capital, *Wall Street Journal* columnist Albert Hunt."

I gladly accept all accolades, but unfortunately have never said that either in my column or on television. Earlier this fall when asked by my friend Bob Novak if I liked John Kasich, I said he was a good fellow.

That was based largely on one social evening spent with the congressman. It was one of those infamous, small, fancy Washington dinner parties at an elegant, very expensive townhouse. The hosts were Geraldine and Bob Novak.

—Albert R. Hunt
The Wall Street Journal
Washington, D.C.

Double Reverse

Terry Eastland's review of the *Taxman* case ("Clinton Justice in New Jersey," *TAS*, November 1994) was clear and informative, but I was puzzled by the use of a particular term. *Taxman* v. *Piscataway* is referred to as an "affirma-

(continued on page 78)

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Missing the Point

by R. Emmett Tyrrell, Jr.

You will perhaps have noted that at his press conference the day after the most colossal electoral landslide since 1980, Boy Clinton's finger gesticulations were limp. Moreover his lower lip went pretty much unchewed. I do not know about the lip, but the fingers were tired. He and Hillary had been up all night finger pointing. First their defeat was the fault of the National Rifle Association. Then it was Rush Limbaugh and G. Gordon Liddy. Hillary pointed to the diabolical Christian Right, and Ira Magaziner pointed to the Extreme Right, the *Washington Times,* the editorial page of the *Wall Street Journal*, and an "ultra-right-wing" magazine way out on the fringes of American discourse whose circulation has squirted from 30,000 to 330,000 since Boy Clinton and the youthful idealists from 1968 came to Washington.

Late on election night, when the sobbing had abated some and the last Domino's Pizza delivery had cleared White House security, Boy Clinton, perhaps, pointed his finger at Ronald Reagan. Bill's historic embarrassment had been fashioned by the old cowboy himself. Surely, Reagan timed the release of his hand-written declaration about being in the early stages of Alzheimer's disease so as to remind the electorate of how he soars over the Arkansas *Wunderkind* in terms of gallantry, sagacity, and character. And, of course, the Reagan letter planted in many voters' minds the thought that Ronald Reagan at 83 and with Alzheimer's disease would be a more effective and desirable president than Bill Clinton.

This election had very much the feel of the 1980 election. The incumbent president in 1980 was an obvious failure, as is the incumbent today. Only the media missed the vast dimensions of Jimmy Carter's blunders. In 1980 the Democratic Party's policies were for the most part repellent to a large number of citizens, as they are today, though the media and the Democrats did not (and do not) think those citizens really mattered. A groundswell could be felt underfoot in 1980, but the media were ambiguous. One day they would be in agreement that a large Republican victory loomed. Then the next day's line would be that the election was "tightening up." Voters had a better sense in 1980 that Democratic collapse lay ahead, because they could see a Republican presidential candidate who was manifestly outperforming the media's dreary accounts. Reagan was a clear winner in the presidential debates. After each, however, consensus journalists would feign uncertainty and point to some fleeting lapse into cogency by the woebegone Carter.

This election was much the same. All objective evidence pointed to a Republican rout. The media, however, were in doubt, going through the same dramatic mood swings as in 1980. Actually the media have been going through similar mood swings regarding Boy Clinton since his inauguration. Throughout the midterm elections we would hear of an impending Republican victory, then we would hear the race was "tightening up." Likewise, since his inauguration Clinton has been reported as a bungler . . . then the media resound with hope: Clinton is so smart! A quick study! He learns from his mistakes!

Yes, but why has he committed so many mistakes? The answers will not be forthcoming from the consensus journalists of our monotonous, politicized media. They, and most of the liberal Democrats who were so rudely shown the door on election day, have lived in a one-party political culture so long that they are not even aware of their own deceits.

Adapted from RET's weekly Washington Times *column syndicated by Creators Syndicate.*

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They do not recognize that the community of bugaboos and bilge that they call Liberalism is in chaos. It cracked up into an anarchy of radical, mutually antagonistic interests over a decade ago. Each faction is dominated by frauds who put their own interests above those of every other faction. The so-called environmentalists, feminists, consumerists, ethnic charlatans, and all the other impostors whom Bill Clinton has tried to minister to are ungovernable. Their demands are too fanatical. And, by the way, Bill Clinton is very much like them in one important department. He is a simple hustler. ❐

Helmsmen

"Newt's out of control!" That has been the major theme from Official Washington for, lo, these many days, ever since the People Spoke on November 8. Now, however, there is a new major theme: "Jesse's out of control!" Senator Jesse Helms, the likely chairman of the Senate Foreign Relations Committee, is saying things that are supposedly very damaging to international harmony, world peace, and American national security. Well, then, surely the media are being very imprudent in echoing his utterances so loudly and relentlessly. They too are endangering world peace. What if the Kazakhs or Azerbaijanis get wind of Jesse's disturbing outbursts? Obviously, the media, too, are out of control!

I weigh into this shocking—and, *entre nous,* fleeting—scandal because ABC's "Nightline" asked me to appear late at night to discuss it. I had other plans. That "Nightline" would ask me tells us much about the so-called scandal of Helms's utterances. In liberals' eyes the row over Helms' remarks is a no-win situation for conservatives, so why not invite them in? Tyrrell goes on "Nightline" and defends Helms, thereby showing himself to be equally as troglodytic and "ideological" as Helms; or Tyrrell goes on and pooh-poohs Helms, and the liberals have still more ammunition against him. The liberals cannot undo the elections, but they can discredit those elected, and, with a little luck, hornswoggle "moderate Republicans" into acting like Democrats—"moderate Democrats."

Yet Helms's remarks represent a no-win situation for conservatives only if conservatives share the liberals' illusions that Helms's criticism of Bill Clinton is damaging to America and a tip-off to the war-like Kazakhs and Azerbaijanis, who are, supposedly, waiting to pounce on us. Do liberals really believe that the outside world has failed to notice Our Bill's ineptitude or his antipathy to the military, an antipathy dating from his draft-dodging youth? The furor began a few days ago when Fred Barnes, that estimable stalwart for the *New Republic* magazine, asked Helms on CNN's "Evans & Novak" if he thought that, after two years of the Clinton presidency, Clinton was "up to the job of being Commander in Chief." Helms's reply was, "You ask me an honest question, I'll give you an honest answer." The answer was no. And the media made this perfectly unexceptional answer about a spectacularly flawed and failed American president into a scandal.

Next, the national press discovered that Helms had stated the obvious to a home newspaper, namely that the president is not popular with the military. In a throw-away line, Helms said that were the president to visit the purlieus of the local military base he'd better have a bodyguard. Of a sudden, all sorts of frightening interpretations were applied to the remark—always by his opponents. It was suggested that the senator was encouraging assassins, inspiring mutiny among the troops, imperiling national security (the Kazakhs and the Azerbaijanis, again). Sen. Christopher Dodd even suggested that some sort of desecration had been committed. The remark had been made on or close to November 22, the same day that John Kennedy was assassinated. Well, every religion has its holy days, but I see no evidence that Helms was being disrespectful to Senator Dodd's personal religion. Helms's remark was meant for emphasis. It was not a serious remark, and before the day was out he publicly declared it a mistake.

The outrage over Helms's statements is, of course, contrived. Now the media are going about interviewing soldiers in uniform and asking them if they think Bill Clinton is "up to the job of being Commander in Chief." I have yet to see one soldier side with Helms. Well, what are we to expect? Soldiers ought not to side with Helms. Not publicly and probably not privately. They are, after all, soldiers in uniform. But those of us with memories stretching beyond the illegitimate birth of this non-controversy surely remember news reports of the apparent, albeit reproachful, demonstrations of disrespect that the military has shown this unusual president, for instance during his trips to Normandy and earlier to the U.S.S. *Roosevelt.* And forget not Major General Harold Campbell, who ingratiated himself to his military audience in Europe by referring to the president as our "womanizing, pot-smoking, draft-dodging Commander in Chief." Quite properly he is no longer delivering such public oratory, but the point is that this president is famously unpopular with the military. Helms is right.

Helms is a victim of a double standard. He, Rep. Newt Gingrich, and other conservatives are going to have their every extravagant statement ripped from context, and they will see themselves transmogrified into monsters. Meanwhile the Democrats can continue to abominate "the Christian Right." They can apply their hoary epithet "extremist" to conservatives with impunity. That the term has been discredited by two decades of responsible conservative public service counts for nothing. That it implies anti-Semitism, authoritarianism, racial intolerance, and disloyalty to American constitutionality is okay by those who pretend to be shocked by Helms. Leon Panetta, the White House chief of staff, habitually uses the term. Democratic Rep. Richard Gephardt resorted to it just the other day in appraising the incoming Republican leadership. I say, "Dick's out of control!" ❐

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Back to the Future

by Tom Bethell

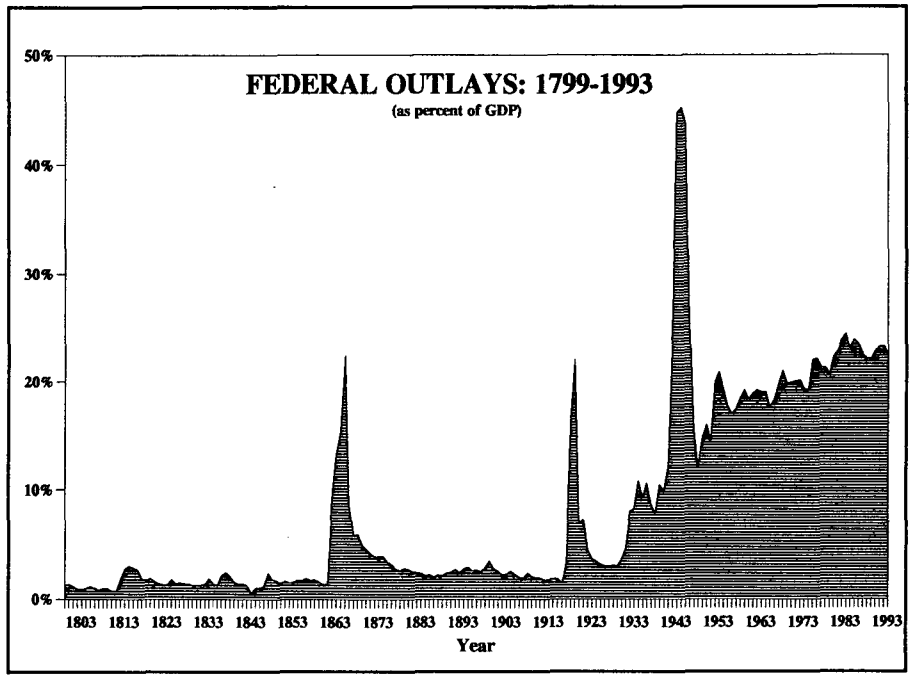
Can the endless encroachment of government into so many aspects of our lives be turned back? That is the question after the November 8 election. Liberals, who have dedicated their lives to maximizing the power and influence of Washington, have long told us that "the clock cannot be turned back." Knowing that democracy has its hazards, they have tried to impart an aura of inevitability and irreversibility to their hard-won political triumphs. Communism, too, had its Brezhnev Doctrine: Soviet territorial gains could not be reversed—until suddenly they were. Can our own domestic Brezhnev Doctrine be undone? A look at the chart below, showing the percentage of national income captured by the federal government since the first Congress, suggests just how difficult that is going to be. (The chart was compiled by the Hoover Institution's John Cogan, a former deputy director of the Office of Management and Budget.)

I remember Bill Kristol saying in the summer of 1993 that, although the left had successfully completed its long march through the major American institutions—the press, publishing, universities, state and federal governments—its real position resembled that of Brezhnev's Soviet Union. It looked strong, but was on the verge of collapse. Eighteen months ago, that seemed optimistic. Today it looks prophetic.

I keep turning back to 1980: Reagan elected, GOP majority in the Senate. Not much changed at home, although Reagan did challenge the Brezhnev Doctrine abroad. Contras and freedom fighters were funded, Grenada was invaded, and the Soviet empire did collapse. Perhaps that is enough for one presidency. But centralism at home went unchallenged, and was increased by kinder, gentler Bush (taxes and spending went up, and a new "rights" bill permitted legal accusations of discrimination based on statistical disparities).

Nonetheless, there are grounds for hope. As Cogan's chart makes clear, war and socialism are strongly correlated. Someone who knew nothing else about the last forty-five years might conclude (with outlays remaining near World War I levels) that the country had been in a permanent war. And we have been. It was called the Cold War. Military spending has admittedly declined sharply, from about 85 percent of federal outlays at the end of World War II, to 50 percent in 1959, to about 18 percent today. At the same time, log-rolling on behalf of the military provided political leverage for domestic programs. Liberals supported defense as long as their own pet programs were enacted. So emerged the "military-industrial complex," and bipartisan big-spending coalitions. At a key moment in late 1987, real spending cuts were about to bite as a result of the Gramm-Rudman provision. The threat was averted because Reagan wouldn't countenance the defense cuts that were part of the deal. In 1990, George Bush was told that "deficit reduction" (reneging on his no-new-taxes pledge) was the price he would have to pay for Democratic support for the Gulf War.

The lesson should be clear for the friends of liberty: beware of foreign entanglements. One feature of the GOP's Contract With America that makes me uneasy is the pledge to rescind defense cuts. Once again, this just might give liberals the leverage they will need to preserve domestic programs intact. A far more urgent requirement is that the U.S. abandon its absurd agreement not to defend itself with the latest technology. I refer to the ABM treaty, signed in 1972 and still in force, wherein we forswore the use of missiles to defend against incoming missiles. Our co-signatory, the Soviet Union, no longer exists, nuclear



Tom Bethell is The American Spectator*'s Washington correspondent.*

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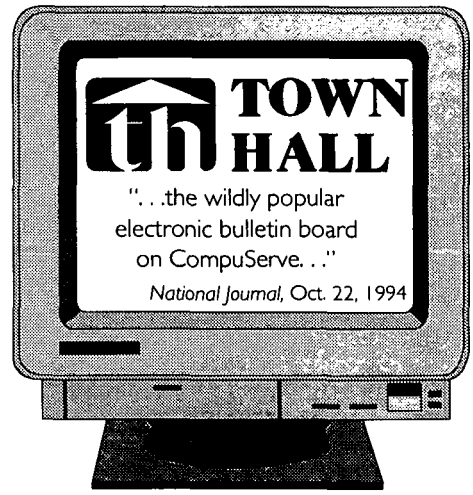

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proliferation is a growing problem, and we have had a nationally televised demonstration in the Gulf War that missiles can shoot down missiles. A country that agrees not to defend itself truly has a death wish.

Another promising development, post–November 8, is the long-delayed generational change in the Republican leadership. At long last, the World War II generation is no longer in charge, on the House side at least. Until now, it had been as though the Duke of Wellington were still in charge in the age of Disraeli. A few days after the election, a full-page ad appeared in the *Washington Times*, paid for by a Mr. Owen Jones, calling upon the Senate Republicans to elect a new majority leader "who really understands the concerns of Americans entering the next century," and "who is a leader in the culture war as well as a fighter for economic freedoms." Bob Dole, the ad pointed out, has served his country courageously, "but by his own admission his political views were shaped by Dwight Eisenhower. And he appears to be uncomfortable with success."

The trouble with the World War II generation is that it doesn't really understand that a cultural war is under way at all. The various subsidies, income transfers, and inflations of the postwar period have worked greatly to the advantage of Bob Dole's generation. Led by the AARP, they would like to keep everything going the way it has been for a while longer yet. They have been happy to retain political power, meanwhile spending a great deal of time on the golf course and traveling about in motor-homes. The younger generation, at the wrong end of the inter-generational Ponzi scheme called Social Security, facing real estate prices with inflation premiums already built in, and marginal tax rates in excess of 50 percent on income over $30,000 in states like California and New York, is far more eager for political change.

So, thank goodness for Newt Gingrich and Dick Armey, younger men. And ex–college professors to boot! I think it was Irving Kristol who said that, in Washington, academics do much better than businessmen. They understand that ideas are important, and they also grasp that they have enemies who are up to no good. For some reason, businessmen have a very hard time figuring these things out. As a measure of the change, compare the new House leadership with the people Reagan had around him: Jimmy Baker, David Gergen, Michael Deaver, Howard Baker, Donald Regan, Kenneth Duberstein, Richard Wirthlin, George Bush. Did I forget anyone? Oh yes, Dick Darman. Are we ever well rid of them. Let's hope they don't resurface in a Dole administration.

After the election, Gingrich came in for fierce criticism. Bless him, he seems to be unafraid of his enemies. That is a most important change, and let us hope that it endures. Some journalists have made no attempt to disguise their dislike of him. A leading example is the former Washington bureau chief of the *Wall Street Journal*, Al Hunt. Since becoming a columnist, Hunt has not bothered to disguise his left-wing leanings. No sooner were the election results in than he threatened Gingrich with an exposé of his private life if he didn't clean up his "slashing personal attacks on Democrats' ethics and behavior." This less than a year after Hunt's anointed successor as Washington bureau chief, Alan Murray, disparaged David Brock's exposé of Bill Clinton's extramarital antics as "two troopers who are trying to get a book deal."

Another development giving hope for real change is term limits. Twenty-two states have passed them, twenty-one by initiative. The Supreme Court is pondering a legal challenge to an Arkansas initiative, approved by 60 percent in 1992, imposing term limits on U.S. congressmen. The case will put the court in a bind. Possibly it will declare the initiative unconstitutional, but if so it will make plain to many uncomprehending voters that the court's guiding if unstated philosophy is the imposition of federal will on the states. This is not exactly what the framers of the Constitution had in mind. The court does not like to oppose the popular will too conspicuously, and term limits are undeniably popular.

How would term limits change voting? The calculus of re-election will presumably yield to a more disinterested view of what's good for the country. Ideological voting is likely to increase; representatives who really believe that more socialism is good for America, for example, will have less reason to fear the voters' wrath; term limits would insulate them from that wrath. But the big-spending coalitions we have now are more creatures of log-rolling than ideology. Farm subsidies find support not because many congressmen think that socialism on the farm is a good idea, but because farm-state representatives agree to support other pet projects in exchange for support of theirs. It is this coalition-building that is likely to be undermined by a citizen-legislature. The liberals' bitter antagonism to term limits strongly suggests that their interests have been well served by career pols, and that they know it.

The balanced-budget amendment, which Gingrich seems so eager to put to the vote, may not be such a good idea. Like the proposal to reform welfare by making recipients work, it sounds good on the campaign trail and can be conveyed in a sound bite. Only on closer examination do the defects emerge. If they propose to make welfare recipients work, Republicans will find that they have committed themselves to a government jobs-program. A balanced-budget amendment might well have the effect of locking in spending at existing levels, and liberals will waste no time in telling us that tax cuts will in the future be "unconstitutional." The (probable) difficulty of cutting spending may mean that the dynamic effects of tax cuts will become unattainable if the budget is put into a constitutional straitjacket.

The most urgent item on the agenda is to cut the capital gains tax and index it to inflation, as promised in the contract. The pent-up demand for a cut in the current unjust, unlegislated expropriation of nominal gains is so great that large revenue increases are bound to result. That will have two effects, as I see it. The Clinton administration will actually benefit, because the surge of transactions will strengthen the economy (although John Mueller of Lehrman Bell Mueller Cannon, Inc. tells me that the Fed's recent money tightening will probably push the economy into recession in 1996 and a capital gains cut won't be enough to revive it). Secondly, and most important, we will finally be able to say goodbye to Washington's "static revenue" estimating, according to which transactions are unaffected by tax rates. For the last eight years this has been the Democrats' secret weapon in preventing what they dread most: tax cuts. ❐

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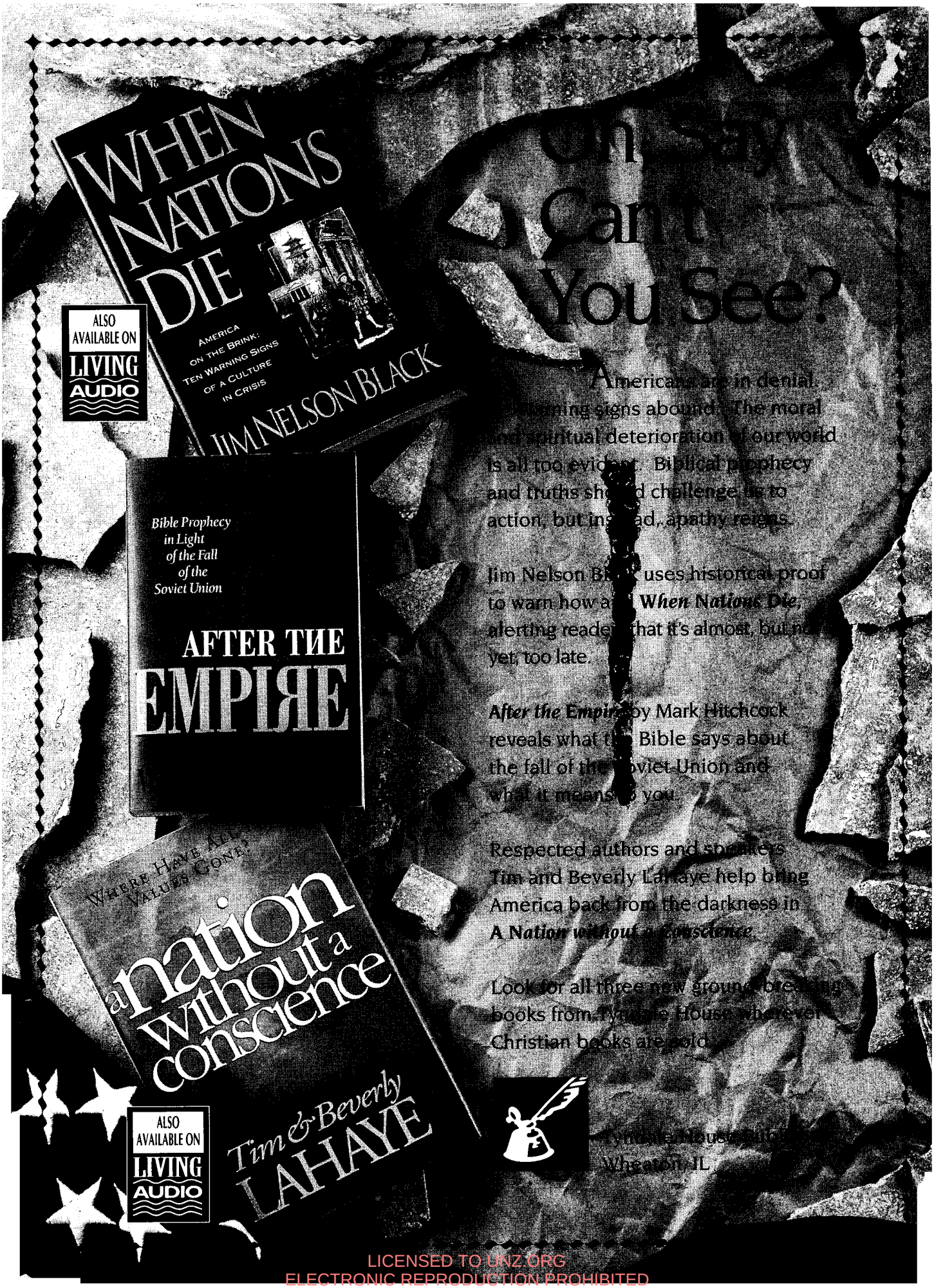
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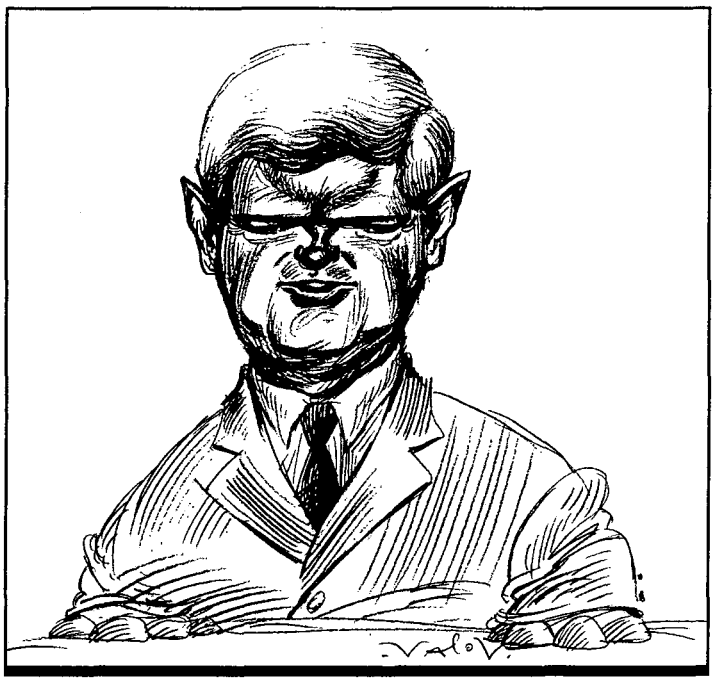
Contract Hit!

How Newt Gingrich used the Contract With America to rub out the Democrats and put an end to forty years of mob rule.

by Fred Barnes



Let's not exaggerate the significance of the Contract With America. It's not the most important political manifesto since the Declaration of Independence. And Frank Luntz, Newt Gingrich's pollster, inflates the contract a bit when he gushes: "This document will never be forgotten. It'll find its way into history books and government manuals." Well, history books maybe. But I'd give a slightly different spin. The contract is the most important distillation of the conservative agenda since Barry Goldwater's *Conscience of a Conservative*. And it has led to a lot more success.

The contract, consisting of a promise to reform Congress and ten broad conservative themes from term limits to tax cuts to a balanced-budget amendment, produced three striking results for Republicans in the midterm election and perhaps a fourth. First, it helped them nationalize the races for the House of Representatives, something the GOP had been trying to do for more than two decades without success. Second, by suckering President Clinton and Democrats into a campaign debate on the proposals in the contract, it created a mandate once Republicans won majorities in the House and Senate. Third, it gives Republicans a blueprint to follow in the early months of the new Congress, as they seek to establish themselves as responsible, popular leaders. And fourth, it may allow Republicans to consolidate their control of Washington—holding the Senate and House, winning the White House—in 1996 and beyond. If they enact enough of the contract, says new House Majority Leader Dick Armey, voters will reward them "for doing what they said they would." Doing what you promised—Armey says, "Those are magic words in politics." He's right.

Fred Barnes is a senior editor of the New Republic.

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When Gingrich broached the idea of the contract in early 1994, there wasn't much magic in the idea. There wasn't a contract either; Gingrich envisioned a Capitol event at which Republican candidates would declare their support for a set of conservative proposals. He'd participated in the 1980 gathering on the Capitol steps at which Ronald Reagan, then the Republican presidential nominee, and scores of Senate and House candidates endorsed GOP economic and national security plans. That event had little impact on the 1980 campaign, but Gingrich remembered it fondly. It had given Republicans a good feeling, a sense of unity and purpose. It had identified them with a few simple conservative proposals: cut taxes, slash spending, build up the military.

Gingrich had bigger goals for 1994. He wanted to impose national issues on local House races, thus removing a key advantage of incumbent Democrats. For years, sixty to seventy Democrats had been winning in districts that John Morgan, a Republican consultant, told Gingrich were "Republican seats." In those districts, including several dozen in the South, voters preferred Republicans for president and for many state and local offices. But not for Congress. Why not? The Democratic incumbents stressed their local ties, constituent service, experience—anything except national issues. And, as incumbents, they had plenty of money, most of it from business or labor political action committees. Gingrich believed Republicans could pick up forty seats easily and capture the House, but only if national issues overrode local concerns in these districts.

Earlier attempts to nationalize House races had failed miserably. Rep. Guy Vander Jagt of Michigan, who headed the House Republican campaign committee in the 1970s and 1980s, predicted a gain of "76 in '76." As it turned out, Republicans lost one House seat overall in 1976. Gingrich was advised by consultant Edward Rollins and former Rep. Mickey Edwards of Oklahoma that House races just couldn't be nationalized. He shouldn't waste his time fretting about it. Gingrich, poised to replace Bob Michel as House GOP leader in the next Congress, persisted. Armey, next in rank among House Republicans, was on board. In January, riding back to Capitol Hill from a bipartisan meeting with President Clinton at the White House, Armey was asked by then-Majority Leader Richard Gephardt why he wasn't running for whip, the post Gingrich would vacate. "I'm running for majority leader," Armey responded. Gephardt chuckled.

Over the spring and early summer, Gingrich, Armey, and their aides began sorting through issues. The idea was to pick out major ones around which Republicans would unite. Task forces were assigned. Luntz was brought in to poll incumbent House members and challengers. He found that incumbent Republicans, unsurprisingly, weren't as keen on term limits as challengers were. They didn't like the balanced-budget amendment as much either. And they absolutely loathed the idea of a national referendum. Many challengers loved it, but not enough to shoehorn the idea into the contract.

The biggest fight came over social and cultural issues. Gingrich didn't want them included, insisting they divided rather than united Republicans. He encountered little dissent on abortion, but a lot on school prayer. Rep. Ernest Istook of Oklahoma presented Gingrich with a petition signed by fifty House Republicans who wanted a constitutional amendment allowing prayer in school to be specifically endorsed. Armey agreed. "I felt school prayer was something that appealed to most Americans and didn't cost dollars," he says. Gingrich said no. He assuaged social conservatives by promising to bring a prayer amendment to the House floor for a vote in 1995. Paul Weyrich, who runs the Free Congress Foundation and National Empowerment Television, says Gingrich told him Al Hunt of the *Wall Street Journal* would attack the contract if it included the prayer amendment. (Hunt attacked it anyway.) "It was a gamble not to include any of these [social] issues, but in retrospect maybe it was right," says Weyrich. Considering the flap that erupted when Gingrich announced he'd schedule a House vote on a prayer amendment by July 4, it was probably essential.

The strongest argument against the contract was that it was unnecessary. Clinton's popularity was plummeting. His health care plan was collapsing. Why go out on a limb? Why give Democrats a target?

Until mid-summer, the gathering on the Capitol steps was known to GOP staffers as "the September 27 event." Gingrich had picked the date. The trouble was, it hardly sounded like a galvanizing event. It lacked a hook, one that would help Republican candidates attract the target voting bloc—Perot voters and independents, roughly a quarter of the electorate. "We had to show how a Republican Congress would be different from a Democratic Congress," says Armey. Campaign rhetoric and TV spots were insufficient. Luntz gives Gingrich credit for suggesting a contract. He quotes Gingrich as asking, "You say voters are cynical? Will they believe a contract?" Luntz responded, "Depends on what's in it. And it needs an enforcement clause." The contract idea quickly caught on.

There were GOP detractors. The strongest argument against the contract was that it was unnecessary. Clinton's popularity was plummeting. His health care plan was collapsing. Why go out on a limb? Why give Democrats a target? Gingrich's answer was that Republicans would never become the majority party in Congress by being negative. A positive message was required. Republican National Chairman Haley Barbour agreed. He set up a special Contract With America office in July that pumped out news releases and faxes. Barbour also committed more than $250,000 for a two-page ad in *TV Guide* on election week.

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On September 27, 367 GOP incumbents and challengers showed up to sign the contract. It obligated them to adopt sweeping reforms of Congress on the first day of the new session in January, then bring ten policy initiatives to a vote in the first 100 days: a balanced-budget amendment and line-item veto, a tough crime bill, welfare reform, parents' rights, a family tax cut, reversal of some Clinton defense cuts, an end to the Social Security earnings limit, deregulation, tort reform, and congressional term limits.

A defining moment for the contract was not the photo opportunity at the Capitol, but rather when the White House and Democrats began assaulting the document. Even before September 27, the White House held backgrounders for the press to cast the contract as irresponsible and guaranteed to bloat the budget deficit. Clinton aides—Leon Panetta, Robert Rubin, Gene Sperling—managed to shape media coverage of the contract from Washington. It was almost uniformly negative. Taking on the contract proved to be a tactical success for the White House, but it was a strategic blunder of enormous magnitude. Not only did Clinton denounce the contract in speech after speech, the Democratic National Committee put four different ads on TV attacking it. Democrats had engaged.

Why was this such an extraordinary blunder? In effect, Democrats agreed to nationalize the election. "They should have used their resources on demonizing individual Republicans," says GOP consultant Jeffrey Bell. That would have kept House and Senate races as local affairs. "They got diverted from their path of survival," adds Bell. True, the attacks on the contract made some Republicans jittery. James Longley of Maine told a Republican consultant the contract cost him 10 percentage points. He won 52-48 percent. Kevin Vigilante, the Republican candidate against Teddy Kennedy's son Patrick in Rhode Island, canceled a campaign appearance by Gingrich. He lost 54-46 percent. But the fact is the attacks *helped* Republicans. By dwelling on the contract, with its tax cuts and term limits, Democrats highlighted issues Republicans wanted to talk about, issues popular with voters. Democrats committed the same mistake in the 1993 New Jersey governor's race, when they relentlessly criticized Republican candidate Christine Whitman's tax cut scheme. The more voters heard about the plan, the more they liked it.

By making the contract the focus of the campaign, Democrats caused three other things to happen, all harmful to them. Republicans were suddenly able to pull off what Armey calls the equivalent of "a reversal in wrestling." They became positive, Democrats negative. "Before the contract, they had an agenda," says Armey. "We were the naysayers. After the contract, we had an agenda and they were the naysayers." This was important. My guess is Republicans wouldn't have won fifty-two House seats by relying on the anti-Clinton mood alone. Democrats were bound to demand, "Where's the beef?" The contract was chock-full.

If not for the contract, Clinton might never have thrown himself into the campaign, crisscrossing the country the final ten days. The contract gave him talking points. "Now listen to this," he said in Philadelphia a week before the election. "Big tax breaks, mostly for the wealthy, billions more on defense, revive Star Wars, balance the budget." Clinton meant these to sound unappealing. "Does that sound familiar to you? We've heard that before, haven't we?" Clinton made the contrast explicit: himself versus Reagan. That was an easy choice for voters. Worse for Clinton, his hysterical campaign style reminded them of everything they don't like about him. He should have stayed in the Middle East.

What Democrats never imagined is that they might give Republicans a mandate. But by making the contract the point of conflict in the campaign, they did just that. The ideas in the contract were not only proposed, but were challenged—and they prevailed. Or at least their proponents had, which was enough to claim a mandate. Actually, Luntz's post-election surveys found that only 30 percent of voters had heard of the contract. Others probably had as well, but weren't aware of the Contract With America per se. Among the 30 percent, Republicans had a 17 percentage point advantage, compared to a 10 point edge among those who hadn't heard of it. Better yet, Republicans won Perot voters by better than 2-1. (In 1992, Perotistas split their votes evenly between GOP and Democratic congressional candidates.) How much the contract helped is anybody's guess. But Luntz insists that it alone appealed to hard-core Perot voters in a focus group he conducted in Denver in late summer. Moreover, an astonishingly high percentage of voters (44 percent) said they voted on the basis of ideology, while an unusually low percentage (21 percent) said they voted on party affiliation. Republicans also won the independent vote handily.

Election night in Georgia brought a second defining moment for the Contract With America. Media coverage was concentrated on Gingrich at his campaign headquarters in Marietta. Once the GOP had captured the House, Gingrich didn't have to talk lamely about finding consensus among Republicans. He had an agenda, and he talked about it incessantly. Legislation had already been drafted for every proposal in the contract. House Republicans would be ready on day one. And so on. The contract, says Republican strategist William Kristol, "is even more useful as a governing document than as a campaign document. We'd be in total disarray if we didn't have a roadmap to the first 100 days." As Democratic pollster Mark Mellman pointed out: In the absence of the contract, Republicans would spend the first 100 days debating what to do in the first 100 days. Too true.

Depending on how much of the contract is enacted, the first Republican Congress in forty years may be one of the most important of the century. Much of the contract will pass. House Republicans will move quickly, forcing the hand of queasy Senate Republicans. Are Senate GOP moderates ready to side with Democrats to block tax cuts and deregulation? Not likely. Then, Clinton gets in the act. He's lost one battle over the contract—the campaign. Does he want to wage another? Not likely. The bottom line? All hail the contract that's bound to change America. But let's not exaggerate. ❐

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James Bovard

Double-Crossing to Safety

The reign of Bush backstabber Dr. David Kessler at the Food and Drug Administration has been marked by hunger for regulations and addiction to power. Here's why he's about to become the Republicans' juiciest target.

Over the crest of the hill on Fishers Lane in suburban Rockville, Maryland, there it was: the 18-story, ugly-enough-for-government-work building that houses perhaps the most powerful regulatory agency on earth. A throng of humanity stood in front of the building, as if milling about after a fire drill. Only up close did it become clear that they were actually engaging in an activity frowned upon by the building's higher-ups, sucking on cigarettes as a wino pulls on his last slug of Ripple. It's a fitting welcome to the fiefdom of Food and Drug Administration Commissioner David Kessler, Washington's most powerful bureaucratic czar, with regulatory control over a trillion dollars worth of the nation's GNP and an agenda that would criminalize everything from the manufacture of shower commode chairs to the voluntary use of dread tobacco.

One of the clearest test cases of whether a Republican Congress can begin to rein in big government will be the forthcoming battle over the future of the FDA. Newt Gingrich has denounced the FDA as "the leading job killer in America," and floated a plan to replace it within five years with an agency staffed with biomedical entrepreneurs, not career bureaucrats. But Gingrich is surely in for a hell of a fight.

Kessler has overseen an unprecedented expansion of regulatory interference and meddling by the agency. A former agency official describes him as a "zealot," but zealotry seems a weak term for the intrusive and deadly bureaucracy of Kessler's FDA. It has confiscated millions of dollars of inventory from pharmaceutical and other companies, and destroyed thousands of private-sector jobs. It has set grim records with its absurd delays of the approvals for new medical devices. It has "knowingly submitted false information to Congress," according to an investigation of the agency by the staff of Sen. Orrin Hatch.

The FDA has strangled the free exchange of information about new and innovative uses for medicines. Newsletters, books, and television programs that disseminated the latest in treatments and therapies have been stifled or closed down. The Food and Drug Administration under David Kessler has become a self-perpetuating bureaucracy that, in an effort to protect its own prerogatives, costs the lives of people it is supposed to protect.

Kessler Saves His Skin

Power, rather than safer and better foods and medicines,

James Bovard is the author of Lost Rights: The Destruction of American Liberty *(St. Martin's Press).*

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seems to have been David Kessler's chief concern ever since arriving at the FDA in 1990. Kessler was tapped for the agency by President Bush, largely to unsnarl a bureaucratic labyrinth that was delaying the approval of new drugs. Instead, he did the opposite: He twisted federal law to dramatically increase the FDA's power and dramatically expand its bureaucracy. "Since Kessler has been here," says one high-ranking FDA staffer, "we are turning out regulations faster than ever before. And they are more intrusive than ever before."

Kessler—who refused many requests for an interview for this article—would not have disagreed; a month after Clinton won the 1992 election, Kessler cited the increase in FDA regulations on his watch during a speech in Washington that was an open audition for the Clinton administration. The commissioner had been actively campaigning to keep his job for months, "working furiously behind the scenes," as a Bush official told *Forbes*. "Even during the campaign, he tried to schedule dinner with Al Gore." Kessler's speech, given at the annual Food and Drug Law Institute conference, was as overtly political as possible, even blatantly co-opting the rhetoric of the president-elect.

"I am here today to talk about change," he crowed, "and while the national dialogue for change has been in vogue during this election year, it is fair to say that on this one the Food and Drug Administration has been ahead of the curve. We're getting new regulations out faster than ever before." He even boasted about creating a new Office of Criminal Investigations, and observed, "We rely much less on voluntary agreements, and much more on court-enforceable consent decrees." Kessler is in many ways an archetype of Washington in the Bush-Clinton years, a perfect example of the blind faith in government power and the contempt for private ingenuity that has permeated the last two administrations.

When Clinton sent the White House the names of a handful of Bush appointees he wished to retain, Kessler was on the list. But Kessler had already been so adamant about keeping the post that, after Bush ordered all political appointees to submit their resignations, he refused. Kessler reportedly wouldn't sign the form letter sent to him for that purpose until a special White House courier was sent to his office to pick it up. When Bush received Clinton's list, he agreed not to accept Kessler's resignation—compounding the original mistake of hiring him in the first place. That meant that Clinton would not have to renominate the commissioner, thereby averting a bloody confirmation hearing at the hands of Republicans irate over what one called "disloyal, traitorous" conduct. Kessler had retained control of his powerful fiefdom, and soon enough was playing Hillary Clinton's tune by denouncing the greed of the pharmaceutical companies—even while she was selling them short on the New York Stock Exchange.

A month after Clinton won the 1992 election, Kessler cited the increase in FDA regulations on his watch during a speech in Washington that was an open audition for the Clinton administration.

Orange Crush

Shortly after taking power, Kessler discovered an excellent means of toughening the agency's image—and turning himself into an anti-capitalist folk hero. In early 1991, the FDA threatened Procter & Gamble on the grounds that the company might be guilty of misleading consumers with its use of the word "fresh." Makers of a reconstituted juice called Citrus Hill Fresh Choice, Procter & Gamble responded by filing a request for an "urgent FDA rulemaking," arguing that there were currently seventy-nine different uses of the word "fresh" by food processors; the company also pointed to consumer surveys that showed people did not think "Fresh Choice" meant fresh-squeezed.

Kessler's FDA responded with a *Federal Register* notice announcing that it was "reviewing the statements that it has made on the use of the term 'fresh' on food labels," and requesting "that industry not make use of this term pending adoption of a final rule on this subject." Such rule changes often take a decade or more, and the FDA's request would have required every food company that used "fresh" on its labels to abandon its labeling immediately—in other words, to take a suicide leap off the shelves of America's grocery stores.

Procter & Gamble lawyers argued that their client's labeling was not misleading because "Made from Concentrate" was also on the label; FDA officials retorted that it should have been in larger print. Kessler then took sweeping action: He ordered U.S. marshals to seize the juice—12,000 gallons, as it turned out—and destroy it. Federal law declares that a "misbranded" or "mislabeled" product is automatically unsafe, and provides FDA with the authority to confiscate the merchandise. As Kessler later told the *New York Times Magazine*: "The law says that a false and misleading claim adulterates the food. I don't need anything more than that."

Maybe not, but there was nothing unsafe about the orange juice at all; the seizure was purely a political ploy for power, which is why Kessler timed the raid to coincide with a speech he was giving in Florida at the annual convention of food-and-drug lawyers. He began the speech by articulating his aspirations for the agency: "To restore the FDA to its former position of preeminence in matters involving food." Weeks later, associate FDA Commissioner Jeff Nesbitt announced, "The agency expects any and every company to make sure that its labeling is consistent with FDA policy, which has been in place for several

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decades. And if they don't, and if the FDA finds out about it, then those companies can expect similar action."

In fact, the rules for the labeling of food products were more in flux than ever before. Congress had just passed the Nutrition Labeling and Education Act, and the FDA would later issue over 4,000 pages of regulations and commentary on the new rules. With regulatory confusion in the air, Kessler's get-tough policy couldn't fail to strike terror in the boardrooms of food companies nationwide; just a simple change in labeling requirements could cost a company its entire system of brand-name identification. But as Kessler expanded the reach of the FDA, he had far more on his mind than merely the labels on orange juice cartons. He wanted major attention from the press, and he was going to get it.

Vitamin Villains

Rep. Henry Waxman, chairman of the House Subcommittee on Health and the Environment and a longtime Kessler confidant, was holding a hearing on dietary supplements on July 29, 1993. The hearing was to be televised, and to prepare for the publicity barrage, the FDA sent an unusual, "not for public distribution" memorandum—dated July 8—to all of its district offices, which began as follows:

> In preparation for Congressman Waxman's July 29, 1993, hearing on dietary supplements, Dr. Kessler is eager to collect information on dietary supplement products currently on the market and the claims being made for them. Consequently, we are requesting the district offices to conduct an undercover survey of dietary supplements. Due to the sensitive nature of the subject the assignment should not be discussed outside of the office.

Each district office was required to assign three inspectors to make six site visits to local health-food stores. FDA undercover agents went into the stores and baited employees into making health claims about products in the store. According to the FDA's interpretation of its own rules, if an employee makes a claim about a product, the product is automatically "mislabeled"—and thus subject to confiscation. At the subcommittee hearing, Kessler claimed that health-food stores routinely made outlandish statements about their products. He waved a 105-page report before the cameras that his staff had written on the supposed crimes of the industry. Kessler thundered: "We are slipping back to the turn of the century, when snake-oil salesmen roamed about. Never has there been a systematic evaluation of vitamins. The marketplace is awash in unsubstantiated claims. It is time to do what needs to be done."

While Kessler was denouncing the supplements industry for deceptive practices, he himself was pulling off a scam of enormous proportions. The report he waved for the benefit of his audience was a hastily cobbled together prop that was, to be generous, slipshod and marred with errors. An evaluation of the report by Sen. Orrin Hatch's staff was less kind: "This false and misleading document is so riddled with inaccuracies that it lacks any evidentiary value, and raises serious questions about the motives of those who are responsible for its preparation. The FDA has knowingly submitted false information to Congress and it has willfully violated the presumption of accuracy and impartiality traditionally granted the agency."

Hatch staffers examined the actual reports of the undercover agents and discovered that Kessler had grossly misrepresented many of the incidents. In several cases, a health-food clerk's handing an undercover agent a reference book that described a certain product was characterized as a "false claim." Of the report's list of 528 products with unsubstantiated claims of health benefits, 142 were not manufactured, sold, or distributed by the company to which the FDA attributed them. One of the offending items was a paperback book. Thirty-four of the "products" did not even exist.

Kessler's report claimed the products "all have one thing in common: Not one of the claims has been substantiated by the FDA before their appearance in the marketplace." This was blatant disingenuousness: The FDA refuses to accept *practically any* of the evidence of medical journals, clinical studies, and other valid sources on the benefits of vitamins and supplements. Thus, because the FDA refused to approve the private companies' claims, Kessler declared they must all be presumed to be liars.

"Freedom of choice," said Kessler, "means little unless consumers have meaningful and accurate information on safety and effectiveness in deciding whether to purchase these products." It was a final bit of phony bluster for the cameras—in fact, the FDA has not acted on even one of the 528 alleged false claims in the report.

Meanwhile, the number of FDA employees assigned full time to regulating the vitamin and supplement industry has increased *fourfold* since 1992. Just as it did with Citrus Hill orange juice, the FDA is also confiscating extraordinary quantities of vitamins and dietary supplements. On May 6, 1992, a platoon of sixteen FDA inspectors and local police in flak jackets carried out a no-knock raid, smashing in the door of the Tahoma Clinic in Kent, Washington. They held the staff at gunpoint, ostensibly so that nobody could try to hide the vitamins. The raiders seized more than $100,000 in products and office supplies—including address books and diaries—and spent 14 hours cleaning out the office; they even tore the phones out of the wall. FDA agents were supposedly concerned about the clinic's use of injected B-vitamins, which have been widely used in Germany with no adverse health problems. Though the FDA claimed that Dr. Jonathan Wright—the founder of the clinic and a highly visible critic of the agency—was engaged in dangerous health practices, it has not filed any charges against him in court. More than two years later, the FDA has yet to return any of the office records or other material it seized from Wright.

More than 100 million Americans currently take dietary supplements to bolster diets, enhance "well-being," or combat illness. In late 1993, the FDA issued

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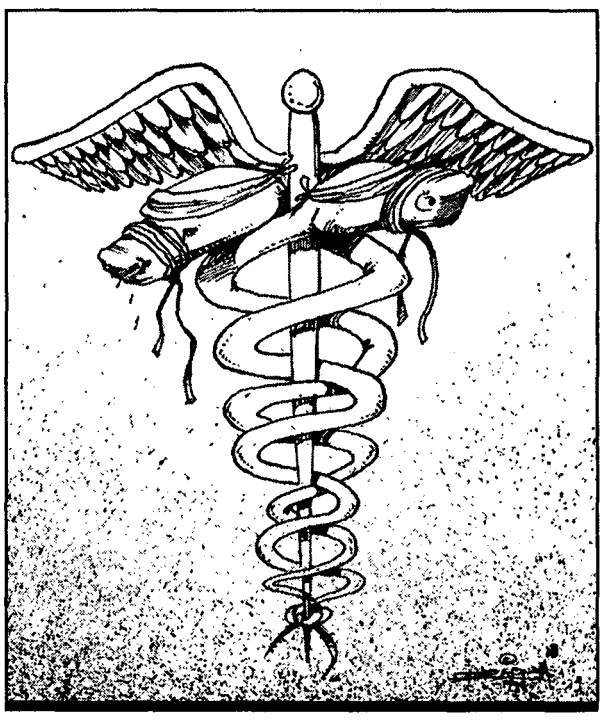
regulations that prevented vitamin producers from making any health benefit claims for their products. Yet the consensus in the scientific community on the benefits of vitamins—based on hundreds of articles in medical journals—has become stronger than ever. The FDA is thus issuing regulations that impede the public's right to know which substances might make them healthier and stronger. Congress passed an act in October to rein in the FDA's oversight of the vitamin industry, but, as attorney Jonathan Emord observes, the new law is full of vague phrases that could be invoked to expand the agency's arbitrary power.

But that's just vitamins. With medicines, David Kessler's FDA is doing something far worse: It is costing Americans their lives.

No New Pills

For almost twenty years, pharmaceutical manufacturers, consumer advocates, and policy wonks have been complaining about the FDA's unconscionable delays in approving life-saving new drugs. The complaints are well-founded. A recent study by Tufts University found that it took an average of almost nine years for new drugs to receive final approval. Tufts also found that most of the new drugs that the FDA approved were already on the shelves in foreign countries by the time the FDA made them available to Americans.



Those delays have meant thousands of deaths. Sam Kazman of the Competitive Enterprise Institute estimates that as many as fifteen thousand people died during the FDA's review of misoprostol, which reduces gastric ulcers. Kazman surmises that twenty-two thousand may have died while the FDA approved streptokinase, which dissolves blood clots in heart-attack victims. And while patients die because they cannot gain access to potentially life-saving drugs, the FDA is devoting its resources instead to cracking down on drugs *already on the market*. By enforcing arcane regulations about alternate uses of already-approved drugs, the FDA has stifled free access to information about other uses of available medicines.

Pharmaceutical manufacturers must get FDA approval for each recommended use of their drug, but researchers often discover that a drug is effective at treating other types of disease than the ones for which it was originally developed. These findings are written up in medical journals, newsletters, and other publications. Pharmaceutical companies have routinely publicized the results of further research on their drugs after FDA approval, thereby alerting physicians to other possible ways to save lives. American Medical Association Vice President Roy Schwarz estimates that "off-label" uses of drugs may constitute up to 60 percent of all drug prescriptions. Indeed, says Schwarz, "In some cases, if you didn't use the drugs in the off-label way, you'd be guilty of malpractice."

But Kessler has waged war on the dissemination of information about off-label uses of drugs. In 1991, he prohibited pharmaceutical companies from informing doctors of new uses for approved drugs, and indicated that the FDA would enforce the ban with seizures, injunctions, and prosecutions. The results, as former FTC official John Calfee noted, were these:

> Cancer newsletters have been shut down. Symposiums have nearly been brought to a halt . . . Press conferences announcing new applications (usually from controlled clinical trials) are for the most part eliminated. . . . A leading support group for cancer patients has strongly objected that the new policy will keep patients from receiving the best therapies. Oncologists have declared that patients will die because physicians will not learn of efficacious treatments.

A 1988 study showed that the risk of heart attacks for males over 50 was reduced by 50 percent by taking an aspirin each day. In July 1989, however, the FDA forbade manufacturers from advertising the benefits, on the grounds that aspirin was not labeled as heart medicine. According to the *British Medical Journal*, wider publicity of the "aspirin-a-day" preventative medicine practice could save ten thousand American lives each year.

In 1991, researchers at the National Heart, Lung and Blood Institute reported that Vasotec, a hypertension drug made by Merck & Co., sharply cut the number of cardiovascular deaths in people suffering from chronic congestive heart failure, and curbed heart failure among people with damaged hearts. But, as *Business Week* noted, Merck's sales force "couldn't give doctors copies of published studies about the new research or similar earlier studies. In fact, doctors can call the Food and Drug Administration toll-free to inform on companies giving out such information." Research at the National Heart, Lung and Blood Institute is federally funded; thus we have the bizarre spectacle of one federal agency prohibiting the dissemination of another agency's research.

The FDA has also been suppressing the sale and distribu-

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tion of medical textbooks to enforce its ban on information it does not want disseminated. Medical textbooks often discuss the latest developments in pharmaceutical use, including uses not yet ordained by the FDA. Pharmaceutical companies often distribute free copies of textbooks to physicians, both as a courtesy and a sales device. The FDA has now decreed that when a drug company gives free textbooks to doctors that mention an off-label use of that company's products, the FDA can confiscate all of the drugs. The rationale? The mention of the off-label use in the textbook supposedly makes all the drugs "misbranded"—and thus unsafe for the public.

Perhaps most importantly, the FDA's tactics are intimidating textbook publishers, who fear that including the latest information on drug uses may result in the FDA restricting sales of their books. According to Kim Pearson, a colleague of Kessler's on the Senate Labor and Human Resources Committee in the early 1980s and publisher of *Food and Drug Insider Report*, "Several companies have abandoned plans to include the most up-to-date drug use information disclosed by medical journals for fear that the FDA will restrict distribution of their texts in retaliation." If the texts have too much information on off-label use for the FDA's taste, the publisher could lose one of the most lucrative outlets for its books.

The FDA prohibition on mentioning new uses of approved drugs effectively turns back the clock five years on the advancement of medical science, and imposes a "cost of truth" test that requires spending millions of dollars and the loss of countless lives.

Disabling Medical Devices

Kessler's FDA has further retarded the progress of treatments by drastically increasing the approval times for medical devices—a category that includes such products as mint-flavored dental floss and wheelchair cushions. From mid-1992 to early 1994, the backlog of requests for minor improvement modifications of existing medical devices increased from only twelve applications to over a thousand. The FDA review time for major new medical devices has increased from 337 days in 1988 to almost 800 days now, according to the *Biomedical Market Newsletter*. In 1989, the FDA approved fifty-nine new breakthrough medical devices; in 1992, it approved only twelve such devices.

A survey last summer by the *Minneapolis Star-Tribune* found that Minnesota firms planned to create 1,700 jobs in foreign countries during the next five years—largely because of FDA delays in approving medical devices stateside. The survey also found that Minnesota medical-device firms in recent years have increased their foreign hiring almost three times faster than their U.S. hiring. More incredibly, the FDA in many cases will ban the export of medical devices made in the U.S. even when a foreign government has already approved the device—simply because the FDA has not given its approval. A survey by the American Electronics Association found that "40 percent [of device companies] reduced the number of U.S. employees because of FDA delays, 29 percent increased their investment in foreign operations, and 22 percent moved U.S. jobs overseas." Whereas in Germany it would require four months and $10,000 to get a new medical device approved, the FDA requires four years and $8 million, according to one medical executive.

A June 1993 congressional report noted that forty-nine American-made medical devices bogged down in FDA review have already been approved for sale in Europe, Japan, and other countries. The report concluded, "Many of the small companies that populate the industry may be driven out of business altogether by regulatory delays. The process also means that Americans are denied health-care options that could be safer, more effective or less costly than those on the market today." Chicago lawyer Robert Pristave observed that the FDA's approval process for major new medical devices "has become so laborious that leading FDA legal specialists are now regularly advising their device manufacturing clients to manufacture and sell their products only outside the U.S."

The pettiness of some FDA enforcement efforts is nearly incomprehensible. Last June 14, agents swooped down on the headquarters of the Seattle-based Synetic Systems to seize a device the agency thought posed serious risks to the American people. The device? The "Sharper Image Relaxation System" machine. The crime? FDA compliance officer Darryl Thompson claimed the machines come under the agency's purview because they are intended to "affect the structure or function" of users, and that since the company did not gain FDA approval, its machines were automatically—like food—"adulterated." The FDA considers the machine so dangerous that it placed the machine in the same category as heart pacemakers—even though there have been no injuries reported from its use. Synetic surrendered to the FDA because it could not afford to spend hundreds of thousands of dollars fighting the federal government in court.

Christopher Conway, CEO of a California medical device firm, observed: "We are no longer surprised at anything the FDA does. Under the present administration, the FDA's actions have been arbitrary and unpredictable, and it has become virtually impossible to bring a new medical product to the public."

Kicking the Habit When It's Down

Kessler's most celebrated grab for power came during recent controversy surrounding the tobacco industry. Late last year, the ABC News tabloid newsmagazine "Day One" began contacting Kessler to make comments for a program they were preparing accusing tobacco companies of manipulating the nicotine level in cigarettes to addict smokers. Kessler demurred, while his staff repeatedly requested to see what evidence the tabloid program had gathered. When Kessler's staff heard a rumor that the program was about to air, an FDA staffer called ABC to verify the air date, baiting them with the possibility that Kessler might finally do the interview.

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On Thursday, February 24, 1994, ABC confirmed that the program—with its headline-making accusations—would air the following Monday. Kessler used the information provided by ABC to scoop the network, announcing the next day—three days before the show aired—that he was launching an investigation into whether tobacco companies were manipulating nicotine in cigarettes. Rep. James Clyburn observed a few weeks later, "It appears that Dr. Kessler rushed to accuse the cigarette manufacturers of misconduct to avoid being beaten to the punch by a tabloid news program."

Since then, Kessler, himself a former pipe-smoker, has made false accusations while keeping the press in a frenzy over allegations. In his statement of February 25—a letter to the group Coalition on Smoking or Health—Kessler announced, "It is our understanding that manufacturers commonly add nicotine to cigarettes to deliver specific amounts of nicotine," and accused cigarette manufacturers of putting nicotine in cigarettes "to satisfy an addiction on the part of some of their customers." According to the *New England Journal of Medicine*, however, the average level of nicotine in cigarettes has fallen by more than 50 percent since 1955. The level of nicotine in cigarettes is significantly *lower* than it is in natural tobacco.

The seizure was purely a political ploy for power, which is why Kessler timed the raid to coincide with a speech he was giving in Florida at the annual convention of the food-and-drug lawyers.

Kessler, however, was not about to let truth interfere with his assault on the tobacco industry. Kessler told a congressional hearing the following month that since manufacturers have the technology to remove nicotine from cigarettes, the fact that cigarettes have any nicotine at all might prove that manufacturers intend to addict smokers. Cigarettes, he declared, may simply be "high-tech drug delivery devices."

In June, Kessler returned to Capitol Hill and accused the Brown & Williamson Tobacco Company—makers of Kool, Viceroy, and Raleigh—of secretly and deviously creating a type of tobacco in Brazil with double the normal nicotine amount in order to make its cigarettes more addictive. Doubling the amount of nicotine in a type of tobacco simply allows a manufacturer to blend the high-nicotine tobacco with lower-nicotine tobacco to achieve any desired level of nicotine per cigarette. Since the Federal Trade Commission regulates and mandates that nicotine levels be published on cigarette packs, manufacturers *cannot* use new types of tobacco to covertly turn smokers into helpless zombies.

Kessler gravely concluded that these facts "lay to rest any notion that there is no manipulation and control of nicotine." The *New York Times* printed Kessler's allegations on its front page—and then, the following day, printed a highly publicized correction admitting a stunning error. The cigarettes that Kessler accused Brown & Williamson of making with the super-high nicotine tobacco actually had only average nicotine levels. Brown & Williamson blended the new tobacco type with other tobacco parts to create a normal-nicotine-level cigarette. The media hailed Kessler anyway; after his error-filled testimony, ABC World News Tonight named Kessler the "Person of the Week." ABC's Peter Jennings gushed that Kessler "is an activist, no doubt, in a job which has often been burdened by bureaucrats. He conducts himself as the people's guardian in matters of food and drugs with the utmost conviction."

Kessler ordered the FDA's Drug Abuse Advisory Committee to meet and decide whether nicotine is addictive. The panel held two days of meetings in early August; the testimony was so stacked in favor of Kessler's position that the tobacco industry was given only one hour to argue. The *Washington Times* derided the process as a "hastily organized show trial." When the panel voted nicotine was indeed addictive, Kessler publicly announced: "This was a very significant finding. It is a clear answer to the tobacco industry rhetoric about freedom of choice."

Kessler is seeking to portray greatly increased restrictions over tobacco as the equivalent of a war to free the slaves. But his attack is based largely on a gross exaggeration of the power of cigarettes. Over 40 million adults have quit smoking in recent decades; there are now more ex-smokers than smokers in the U.S. The percentage of Americans who smoke has fallen sharply since the Surgeon General's landmark 1964 report on the dangers of smoking. Kessler had declared in June, "Everyone knows that cigarettes are not good for you. But I'm not sure that everybody really understands how bad they really are." In fact, according to a study by Duke professor Kip Viscusi, smokers significantly *overestimate* their chances of dying from cigarettes: While almost half of the surveyed smokers said they expect to die from the lung, throat, or heart problems caused by smoking, the surgeon general in 1991 estimated that only 18-36 percent of smokers would die as a result of smoking.

Watch Out, Arlen Specter

At staff meetings, Kessler has recently cultivated the egotist's habit of referring to himself in the third person, in sentences like, "The Commissioner of the Food and Drug Administration cannot tell the American people that the government will not help them." One former high-ranking FDA official observed that he thought Kessler has always acted like he is planning to run for the Senate. Remarkably, Kessler and friends are reportedly discussing the possibility of his running for *president*. Either way, it would be out of character for Kessler to seek people's permission to represent them. ❐

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David Brock

Strange Lies

For the record, the best-selling author of The Real Anita Hill *re-reports* Strange Justice: The Selling of Clarence Thomas, *a bogus new book by Jane Mayer and Jill Abramson.*

I. Out to Lunch

CHARLIE ROSE: Make any mistakes?
JANE MAYER: I hope not.
—from PBS's "The Charlie Rose Show," Nov. 7, 1994

Shortly after my book on the Clarence Thomas-Anita Hill hearings, *The Real Anita Hill*, was published in April 1993, *Wall Street Journal* reporters Jane Mayer and Jill Abramson alleged in the *New Yorker* that my conservative politics had led me to intentionally fabricate, misreport, and omit various pieces of information in writing the book. The *New Yorker* refused to publish an extensive rebuttal (it eventually ran in the August 1993 *American Spectator*). The authors refused to discuss the review with me on national television (Larry King and Charlie Rose had called). They have continued to duck me during their promotion of *Strange Justice*, though they agreed to answer questions for this review.

It wasn't always so unpleasant between us. In April 1992, following the publication of my *American Spectator* article on Anita Hill, Mayer and Abramson took me to lunch. One of the most memorable moments came when Mayer and Abramson described a trip to Oklahoma and their interview with Anita Hill. In Abramson's words, as I recall them, the two had found her "less than impressive." We spoke on the telephone occasionally in the subsequent year.

Otherwise, that's the last I've seen of them. So it came as a shock when I read in the prologue to *Strange Justice*[1] that Anita Hill had declined to respond to two interview requests the authors had made prior to August 1993, when, following the publication of my book, Hill agreed to "break her silence." What had happened to the interview Mayer and Abramson told me about in early 1992? Had an inconvenient fact been glossed over for the sake of the narrative? (For the record, Mayer and Abramson say my recollection is "ridiculous.")

But one need not even crack open this book to discern the animus that drives it. The very title, *Strange Justice*, is an obvious double entendre. Its point is not only that the process for confirming Thomas was peculiar, which it surely was (though not in the ways the authors suggest), but that Thomas himself is somehow "strange." Those familiar with judicial confirmation fights of the past decade will recognize this adjective. During the last hotly contested Supreme Court nomination before Thomas's, Democratic Senator Howell Heflin of Alabama attacked Judge Robert Bork as a "strange individual" because he wore a beard and, according to a whispering campaign generated by the left, might be agnostic on the existence of God. *Strange Justice* is in the same disgraceful tradition.

Indeed, *Strange Justice* rivals the *Washington Post*'s Janet Cooke episode and the October Surprise "scandal" as one of

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[1] *Strange Justice: The Selling of Clarence Thomas*, Houghton Mifflin, 406 pages, $24.95.

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the most outrageous journalistic hoaxes in recent memory.[2] It accuses a sitting Supreme Court justice not only of sexual harassment but also by implication of committing perjury to attain Senate confirmation. Mayer and Abramson have made these accusations on the basis of accounts from sources who tell me they were either flatly misquoted or misrepresented, or refused to confirm information attributed to them. The list of these people who say they were misquoted includes the only woman whose allegations against Thomas have not been previously reported—and refuted—in prior books or articles. In addition to relying on fake evidence, doctored quotes, and unsupported hearsay, the book is brimming with anonymous and discreditable sources. Key figures were never interviewed. Where evidence does not fit the authors' point, it is ignored entirely. And a whole array of alleged facts—small and large—are simply wrong.[3]

That others in the media have leapt to embrace the reckless assertions in the book only broadens the scandal. Mayer and Abramson's colleague Albert Hunt described this pastiche on national television as "meticulously researched." Frank Rich favored "meticulously reported." Martin Walker went over the top in the *New York Times* to describe it as "a fine and rational work, a cogent and persuasive account of the Thomas nomination and confirmation in which the rules of logic are observed, evidence is judiciously weighed and Justice Thomas is convincingly portrayed by named sources as a man with a penchant for pornography and for talking dirty." Mayer and Abramson don't even come close.

According to Savage—who five days later faxed a written statement to me from her office summarizing our discussion—Mayer and Abramson substantially distorted the information she had reported to the Judiciary Committee back in 1991.

II. Pornography and Dirty Talk

The sections in *Strange Justice* on pornography are one of two parts of the book (the second being the so-called "other women" who have accused Thomas) that were presented as news in the *Wall Street Journal* excerpt of *Strange Justice* on November 2, the day the book was published, and on the now-defunct ABC newsmagazine "Turning Point" and "Nightline" that evening. How such august media institutions were snowed by *Strange Justice* is a subject for another day. Let us consider only the substance of the new allegations.

Whether a demonstrated interest in pornography on the part of Thomas makes it more likely that he sexually harassed Anita Hill is arguable. Writing about the pornography rumors that had reached the Judiciary Committee during the hearings in his book *Advice and Consent*, Thomas critic Senator Paul Simon conceded, "Even if we found them to be completely true, and we did not investigate them, I am not sure there is a direct tie-in between watching pornographic films and sexual harassment, at least I have not seen evidence of that."

Investigating and publicizing material about a nominee's private reading habits or his video rental records also raises civil liberties questions; when a reporter pursued the question of what movies Judge Bork was renting for home consumption, the Democratic Congress's reaction was to pass a law prohibiting video stores from releasing this type of information on privacy grounds.

Mayer and Abramson apparently disagree. They argue that the evidence they present shows not only that Thomas was capable of uttering the kinds of remarks that Hill claimed he made when he was her boss at a federal agency in Washington, but also that he demonstrated a pattern of conduct that corroborates her testimony. Going well beyond what is already in the record, the authors claim that Thomas "habitually" consumed pornographic videos into the late 1980s and that he regularly discussed their contents in the most graphic of terms.

Let us first take up the claim, made by surrogates for the authors like Michael Kinsley on "Crossfire" and Lincoln Caplan in *Newsweek* (which published an excerpt of the book alongside an enthusiastic news story), that Thomas may have committed perjury in denying that he had ever looked at or spoken about pornography. Thomas made no such denials. Rather, he adamantly refused to discuss his private life. He said only that he had never discussed pornography with anyone in the office and had never discussed pornography with Anita Hill at any time. In this regard, the following exchange with Democratic Senator Patrick Leahy of Vermont is instructive:

LEAHY: . . . Let me ask you—she has been asked whether this happened—let me ask you: Did you ever have a discussion of pornographic films with Professor Hill?
THOMAS: Absolutely not.
LEAHY: Have you ever had such discussions with any women?
THOMAS: Senator, I will not get into any discussions that I might have had about my personal life or my sex life with any person outside the workplace.
LEAHY: I'm not asking —
THOMAS: I will categorically say that I have not had any such discussions with Professor Hill. →

[2] The parallels to the October Surprise are of more than passing interest. ABC's News ("Nightline" in particular) promoted the story, as did the *Wall Street Journal*'s Al Hunt, who referred at one point to the "respected" Gary Sick, the former Carter NSC aide who originated the allegations in the *New York Times*. Sick, of course, has now been completely discredited.

[3] The notes to the book are a scandal in their own right. Since they are not flagged in the main text (as in a typical footnote or endnote), the reader must flip back to the notes section upon completing each page to see if any of the information on it has been documented. Assuming there is a note, the reader must then go back to the page by locating the first three words of the sentence to which the note refers. Much of the material presented as fact in the main text is refuted, contradicted, or substantially weakened by material buried in the notes.

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If the information on pornography is irrelevant to any perjury issue, it may still be argued that it is relevant as character evidence. The next question, then, is: What sort of information do Mayer and Abramson have? This section essentially relies on four named sources. Though their accounts are presented to appear otherwise, two of them are second-hand, a third comes from a supposedly important eyewitness who now says he was misquoted, and the fourth is based on a source who says a key quote has been intentionally cast in a completely false light.

That Thomas viewed pornographic videos in college and joked about their contents with his friends has been previously reported: prior to the Thomas-Hill hearings in *U.S. News and World Report* and the *New York Times*; in *Capitol Games*, a book co-authored by Timothy Phelps, the *Newsday* reporter who broke the story of Anita Hill's allegations simultaneously with Nina Totenberg of National Public Radio; and in my own book.

Some of the details Mayer and Abramson add to this previous reporting actually weigh in Thomas's favor. What, for example, did Thomas's purported habit of engaging in "crude sexual banter" during his college days specifically consist of? Mayer and Abramson paraphrase a male friend of Thomas's from Holy Cross College as saying, "He and [Gil] Hardy used to call each other 'bitch' routinely in a kind of rough, affectionate banter that would generate into gross excess as they tried to one-up each other in their insults."

"Bitch" is the most offensive word the authors are able to report Thomas as having uttered. Significantly, they present no evidence that Thomas ever used such language in the presence of women. The only woman quoted in this section of the book—an anonymous former graduate student—says that the young Thomas would "talk and laugh" about sex with his male friends, "then the men [not Thomas] would come and tell us about it."

Here is an early example of the way Mayer and Abramson put the worst interpretation possible on every aspect of Thomas's behavior. The fact that he excluded women from this sexual talk is "a sign that he couldn't relate to women," they write. They fail to note that at this very time at Holy Cross Thomas was steadily dating his college sweetheart, Kathy Ambush, whom he would marry on the day after graduation in 1971.

As for X-rated movies, the reports referenced above have established that Thomas, like many of his fellow students, attended such films as *Deep Throat*, shown on the Yale campus by the law school film society in the early 1970s. Yet the authors allege an "avid interest in pornographic materials" that went well beyond the law school films. The only evidence that Thomas ventured off-campus to a harder-core X-rated movie house in downtown New Haven comes from a single source—one Henry Terry, a Yale law school classmate of Thomas's—who also peddled this story in *Capitol Games* more than two years ago.

According to Terry, Thomas regularly attended pornographic movies—not with him, but with another student named Frank Washington. When Washington was contacted by Mayer and Abramson, he wouldn't talk to them, according to the notes. Nonetheless, the authors chose to publish Terry's second-hand allegation as if it were substantiated; *Strange Justice* is riddled with this sort of journalistic sleight-of-hand. When I contacted Washington and read him Terry's account, he denied it.

Other than Anita Hill's and Angela Wright's allegations, only one piece of first-hand evidence is presented that Thomas ever spoke in a lewd fashion after his college days. This comes in "Joining the Club," the third chapter, which focuses on Thomas's experience working in the office of then–Missouri attorney general John Danforth, on Senator Danforth's staff in Washington, and in the early Reagan administration:

> There was one jarring recollection in the generally positive picture painted by Thomas's colleagues in the attorney general's office. According to Andy Rothschild, now an attorney in St. Louis but then a friend and fellow lawyer, Thomas liked to taunt another [male] member of the office, who was prim and painfully shy, by making outrageous, gross and at times off-color remarks. "Clarence was loud and boisterous, kind of the office clown. He couldn't help himself but to needle the guy—he just liked to get under his skin," Rothschild recalled in an interview.

Note that Rothschild himself says nothing about gross or off-color remarks; those are the authors' words. The use of a tantalizing summary sentence to introduce a quote that doesn't support the introductory sentence is another common tactic throughout the book.

When I called Rothschild, who was unaware that he was quoted in the book, he told me of a conversation with Jill Abramson, who had interviewed him for the first and only time in July 1991 when she was covering the Thomas nomination for the *Journal*. "She called me and asked me if I knew anything about Thomas's views on abortion, and I said I didn't," Rothschild said. "Then I told her about Thomas's great sense of humor. I never said anything about gross or off-color remarks because to my knowledge Thomas never said anything gross or off-color." Indeed, it seems unlikely that Abramson would have even been asking about off-color remarks in July 1991, three months before Anita Hill's allegations were first published.

Thus Jane Mayer's oft-quoted rationale for publishing this material—that Thomas invited such an inquiry by saying in his testimony that if he had been guilty of the Anita Hill charge there would have been "bits and pieces" of it in his life—is entirely bogus. What Thomas actually said was, "If I used that kind of grotesque language with one person, it would seem to me that there would be traces of it throughout the employees who worked closely with me; there would be other individuals who heard it, or bits and pieces of it, or various levels of it." This book produces no co-workers who ever heard Thomas use foul language. The strongest evidence that he ever used a foul word at all comes from a college friend who described the harmless "bitch" banter at Holy Cross.

So much for talking dirty.

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The case that Thomas exhibited an interest in pornography after his student days rests on the accounts of two people: Barry Maddox, the proprietor of a Washington, D.C. video rental shop, and Frederick Cooke, a Washington attorney. (A third source, Kaye Savage, who claims to have information linking Thomas to *Playboy* magazine, is discussed later in this review.) Mayer and Abramson write:

> But the interest in pornography that Thomas first exhibited at Yale apparently continued through the early 1980s, when Long Dong Silver was a well-known figure among fans of X-rated movies. According to Barry Maddox, the proprietor of Graffiti, a video rental and equipment store just off Dupont Circle, a few blocks from the EEOC's headquarters, the store began to rent pornographic videos in 1982. Not long afterward, Maddox recalled, Thomas became a regular customer.

There are several problems with this account, including that the EEOC's headquarters at 18th and L Streets NW, a few blocks south of the Dupont Circle area, did not open until August 1989. Thomas worked at that location for only a matter of months, and during the entire time he was in the middle of a brutal confirmation fight for a seat on the D.C. Circuit Court of Appeals, which he won in March 1990. In the early 1980s, when Maddox claims Thomas was a regular customer, the EEOC's headquarters were at Columbia Plaza at 24th and E Streets NW—nowhere near Dupont Circle or Graffiti.

National Public Radio's Nina Totenberg has punched a far bigger hole in Maddox's account. In response to a question after giving a speech at Stanford University in the spring of 1992, Totenberg said:

> Let me take first the primary rumor that I've heard about Justice Thomas. And that is that he was a regular renter of pornographic movies including "Long Dong Silver" movies, and that various news organizations have a list of the movies that he rented from a Washington video store and have suppressed it. As far as I know, this isn't true. There is an individual who called first me and then I think other news organizations telling us that Judge Thomas had rented pornographic videos at a particular store in Washington, that the owner of the store would corroborate that, and that they liked to talk about the details of the movies, and that they had, that the owner of the store, I talked to the owner, he denied remembering renting any particular pornographic videos to Judge Thomas who he did remember as a customer of the store, Thomas with his son, and in addition to that the owner of the store told me, and I corroborated this elsewhere, that the store routinely destroys its computer records of rentals every thirty days. So none exist. So that story evaporated like the morning mist.

I called Totenberg to find out if she had been referring to Barry Maddox of Graffiti in these remarks; she confirmed that she had. She further explained, "I got this tip, I think right after Thomas was confirmed. And I called the guy [Maddox] and he indicated on the phone that he may have rented pornographic videos to Thomas. But when I went into the store to talk to him, he kept changing his story. He denied it. So I didn't have a story. I wouldn't have used it anyway without written records—and as you know Graffiti doesn't keep records—because I thought the guy was scuzzy, not reliable." [4]

Next, I called Maddox directly, who came to the phone and said simply: "I was misquoted in the book. I'm not talking to reporters. I was misquoted. That's it." He refused to answer other questions, but did confirm that he had been interviewed by Totenberg a few years ago on the subject.

About Frederick Cooke, the only other witness who purportedly could testify about Thomas's interest in pornography after the Yale Law School film society days, the authors report:

The use of a tantalizing summary sentence to introduce a quote that doesn't support the introductory sentence is another common tactic throughout the book.

> It was also in Graffiti that Frederick Douglass Cooke, Jr., a Washington attorney and the former D.C. corporation counsel, saw Thomas at the cashier's counter in the late 1980s with another "freak-of-nature" kind of film. Cooke thought it pretty amusing to run into the chairman of the EEOC, whom he had met once or twice on a social basis, standing with a triple X videotape entitled *The Adventures of Bad Mama Jama.*

These sentences appear on page 107 of the book, where, though he is not quoted directly, it appears as if Cooke himself has told the authors what he supposedly saw. There is no note indicating otherwise. Not until flipping to a note for page 330, where efforts by Thomas opponents to extract damaging information from Cooke are discussed, do we learn, "Reached on two separate occasions, Cooke would neither confirm nor deny the account."[5]

In an interview with me, Cooke confirmed that he had been contacted twice by the authors, who had traced the source of the *Mama Jama* rumor back to him, but that he declined to confirm or deny anything. "They called and I told them just what I'm telling you. I'm not discussing anything with the media. I didn't tell them what you just read to me."

[4] Totenberg did not directly fault Mayer and Abramson for publishing the information. She argued that there is a different journalistic standard for a book than for a news story. In *Capitol Games*, Timothy Phelps reported that the video store story was "unsubstantiated" and therefore not publishable.

[5] The *Wall Street Journal* excerpt did not indicate that the anecdote was second-hand. Cooke later wrote to the newspaper protesting the "clear and false impression that I provided the account to the authors." (The *Journal* ran this and other critical letters on the

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Mayer and Abramson also report that Cooke found the *Mama Jama* episode "unusual enough to mention . . . to a colleague at work." I asked Cooke if he could tell me who that was. "No, because I don't know what they're talking about," he said.

The authors identify John Payton, Cooke's "liberal Democratic" successor as the D.C. Corporation counsel, as one who was pushing Cooke to contact the Judiciary Committee after Anita Hill's story hit the papers. Payton, they write, "had thought the *Mama Jama* story funny when he first heard it, not long after the incident occurred." But Payton said in an interview, "No, that's wrong." Payton told me that Cooke had mentioned the story to him in passing a few days before Thomas was nominated to the Supreme Court in 1991. "It was just before everyone knew it was going to happen. It was in the cauldron of rumors," Payton said.

Payton hadn't thought anything of it until Anita Hill surfaced. When she did, despite the efforts of Payton and others, Cooke refused to confirm the story, as he has ever since, but it quickly made the rounds of the liberal interest groups trying to defeat the Thomas nomination. Mayer and Abramson describe a conference call involving Christopher Edley, a Democratic activist now in the Clinton Office of Management and Budget; Elaine Jones, the head of the NAACP Legal Defense Fund; and Cooke. "Cooke still declined to play a public role, as notes taken of this conversation [by Edley] show," they report. But as Mayer and Abramson quote them, the Edley notes do not even establish that Cooke confirmed the substance of the story, only that Cooke declined to say anything. (Edley did not return a telephone call about his notes.)

Though one can't quite determine the sourcing from the text, Payton confirmed to me that he was a source of this information in *Strange Justice*. One person's second-hand statement is a very thin reed on which to hang any allegation; certainly, neither Payton nor Edley nor Jones can say that Thomas ever rented even one pornographic video, let alone that he was a "habitual" consumer of pornography, as the authors repeatedly claim.

The authors contend that Cooke did not come forward because he would have been jeopardizing his career and entering a political maelstrom for which he had no stomach. How Mayer and Abramson would know this is a mystery, since Cooke wouldn't be interviewed. It's also possible that he didn't come forward because the rumor was wrong. Totenberg told me that she had been aware of the rumor during the Thomas-Hill hearings, but "Cooke wouldn't talk to me, so it wasn't a story."

So much for Thomas the pornography addict.

Friday after Thanksgiving, a day when far fewer readers see the paper.) Mayer and Abramson concede that the *Journal* excerpt "left the sourcing of the Cooke anecdote ambiguous [and] should have made it explicit that Mr. Cooke would not comment for the record on the anecdote involving him, as our footnote [sic] in the book does." They do, however, stand by the anecdote. "The publisher at Houghton-Mifflin is entirely conversant with the provenance of the Cooke anecdote, and the documentary evidence supporting it," they wrote me. They declined to provide me with this purported evidence, however.

III. The Devil in Clarence Thomas

If there is a discernible theme in *Strange Justice*, it is that Thomas and his associates, supporters, and friends are a collection of liars, cranks, crooks, and lunatics. The portraits are so relentlessly negative that even a reader who wishes to think the worst of Thomas is likely to regard them as crude caricatures. His dedication to the Dallas Cowboys (a rival of his hometown football team, the Washington Redskins) is described as "perverse." And Thomas is seen as "suspicious of romance" because at one point he enjoyed listening to a popular Whitney Houston song, "The Greatest Love of All," whose theme, we are told, is "self-love." Thomas just can't do anything right: When he helps set up Anita Hill's stereo, a friend of Hill's is found to proclaim that Thomas did a "lousy" job.

Cheap shots aside, the assault on Thomas's veracity is a key element of the book. This is only natural—everyone writing on the subject acknowledges that since there are no eyewitnesses to support Anita Hill's story, the Thomas-Hill case basically comes down to a contest over who was the more credible witness. What is unusual is the slipshod way the authors try to establish inconsistencies on Thomas's part. The reporting, is thin, inaccurate, and—in at least two cases—contains what Mayer and Abramson's own sources say are fabricated quotes. In the few other places where the sources can be identified, they turn out to be at best acquaintances of Thomas who don't like him or former employees who were fired by him.

The authors certainly aren't the first to try to find someone who would contradict Thomas's sworn claim to have never discussed the contents of the *Roe* v. *Wade* decision with anyone. Despite the fact that no one ever has, Democratic senators like Patrick Leahy continue to insist publicly that Thomas lied to the committee about *Roe*. In the category of the dog that didn't bark, the authors appear to settle this question once and for all by conceding that "no one recalled his expressing any opinion on the subject of *Roe*."

But they do claim to have caught Thomas in smaller lies. The authors write, "Although Thomas later praised his grandfather fondly, acquaintances said that in his early years he sometimes complained of the tough treatment at home"—as if the two statements were mutually exclusive! The authors also attempt to show that Thomas lied about growing up poor; they come up with a former neighbor who is quoted as saying that Thomas and his younger brother "always had pocket money."

Mayer and Abramson report that Thomas once told the story of how he had lectured his grandparents so persuasively in 1982, the year before they both died, that the lifelong Democrats finally voted Republican. The smoking gun here is a record from the registrar of voters in Hinesville, Georgia, showing that Thomas's grandfather, Myers Anderson, voted in the Democratic primaries in 1982. Left unconsidered is the distinct possibility that the conversation between Thomas and his father took place after the primaries and before the general election.

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Mayer and Abramson acknowledge that the EEOC was in a state of managerial chaos when Thomas inherited it from Eleanor Holmes Norton. While they credit Thomas at one point with making the agency "more efficient," they later describe his managerial style as "authoritarian." Then Mayer and Abramson really get carried away, describing the Thomas regime as "one of Prussian order during which impropriety of any sort, sexual or otherwise, was simply not tolerated." How that statement squares with Anita Hill's story is anybody's guess.

This isn't the only place where the authors lose track of their argument and try to have it both ways. To show that Thomas was "ungrateful" to Senator Danforth for hiring him to work in the Missouri attorney general's office, a Thomas friend is quoted as saying, "he never wanted to be part of government, in fact he resented it." This was in 1974. Yet a few pages later, it is alleged that as early as 1981 Thomas was plotting to get a lifetime government job in the federal judiciary.

Anita Hill

Thomas is characterized as so "aloof" that "while other lawyers in the firm [where Thomas once worked as a summer associate] used a form book to file motions—a universally accepted shortcut—Thomas insisted on writing every word of each motion himself." His performance in various posts is judged to be "admirable," and he is even referred to as "an achiever to the core." In other parts of the book, though, Thomas is seen as floundering and out of his depth, a lazy creature of right-wing speech-writers, fellow judges, and law clerks who never did his own thinking.

When Thomas is eventually nominated to the high court, Vernon Jordan advises Thomas to spend every waking hour studying Supreme Court cases as if he were preparing for the bar before his confirmation hearings. The authors duly applaud Jordan for this sage advice. Yet when Thomas follows the advice, Mayer and Abramson make fun of him for being so unqualified that he had to prepare.

The effort to describe Thomas's relation to the conservative movement is also confused and contradictory. Throughout the book the authors often slip into passive voice, perhaps to conceal their own ignorance of why an event occurred (if it occurred at all). "But from 1985 on, Thomas's public stands were almost uniformly synchronized with those of the most conservative elements in the Justice Department," they report. Did Thomas change? Did the Justice Department conservatives coerce him? There is no support for dating any supposed shift in 1985.

In some sections of the book, Thomas is portrayed as a wanna-be operating on the periphery of the conservative movement while desperately doing anything necessary to pander to it. In 1988, we learn, "no one in the conservative community knew Clarence Thomas." The evidence for this? That year, at a dinner sponsored by the Council of One Hundred, a group of prominent black Republicans, Thomas didn't have a good seat.

In a particularly low blow, it is seriously suggested that Thomas married his second wife Ginni Lamp in 1987 for her "stronger Republican credentials." Yet within a page or two, the authors report that both Gary Bauer, President Reagan's domestic policy adviser, and conservative kingmaker William Kristol were big admirers of Clarence Thomas "from the time they first met during the Reagan administration." In 1986, they note, the supposedly invisible Thomas was asked to participate in Bauer's high-profile "report on the state of the American family."

Then there's the authors' confused account of a dinner conversation in the summer of 1988 between the conservative Free Congress Foundation's Patrick McGuigan, an influential voice in judicial selection during the Reagan years, and Thomas. Undercutting their own contention that Thomas was unknown on the right, they reveal that McGuigan was already a "huge fan" of Thomas's. Yet they are wrong that McGuigan "had never met" Thomas before the dinner. According to McGuigan, he first met Thomas in 1981 and saw him face-to-face several times before 1988.

More troubling is the distortion contained in the following passage:

> Whatever else the two talked about that night remains private, but it seemed clear from the enthusiasm McGuigan demonstrated regarding Thomas's candidacy for the court that no disagreements arose about McGuigan's on-going crusades: the outlawing of abortion, the abolition of affirmative action, and the restoration of what he considered "family values"—including a war on pornography.

Clear to whom? Only to Mayer and Abramson: McGuigan told me that he discussed none of those issues with Thomas that evening—or ever—and that Mayer never asked him if he had.

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This dinner came shortly after the notion of a court appointment for Thomas had been mentioned for the first time by the Reagan Justice Department following Judge Bork's resignation from the circuit court. Thomas's name was only one of several mentioned, and he was not seriously considered by Reagan. Like Timothy Phelps before them, Mayer and Abramson claim that Thomas had been scheming to get on the Supreme Court since 1981, when he first joined the Reagan administration in the relatively low-profile job of assistant secretary of education for civil rights.

The claim is supported only by a couple of offhand comments attributed to Thomas by a couple of individuals who appear not to have known him well, to the effect that he was seeking to someday replace Thurgood Marshall. The same sources pop up to disparage Thomas on other grounds elsewhere in the book.

One of them is Kaye Savage. Another is Michael Middleton, who worked with Thomas at both the education department and the EEOC. Middleton, who was eventually dismissed by Thomas, surfaces later with a story about pubic hair. Early on he is quoted as saying: "The first day I met him [Thomas] in 1981, he told me he was going to be on the Supreme Court. . . . He'd point out that Marshall wouldn't last forever, and that he [Thomas] was the highest-ranking black lawyer in government." At least part of this recollection is almost certainly fake. It seems inconceivable that Thomas would have referred to himself as the highest-ranking black lawyer in government. That title belonged to Samuel Pierce, the secretary of housing and urban development, whose name surfaced well before Thomas's on lists of potential Supreme Court nominees.

When I called Rothschild, who was unaware that he was quoted in the book, he told me of a conversation with Jill Abramson, who had interviewed him for the first and only time in July 1991 when she was covering the Thomas nomination for the Wall Street Journal.

The idea that Thomas was campaigning for a court seat is inconsistent with Thomas's pattern of behavior throughout the decade. Particularly notable are the vigorous and widely publicized policy battles that Thomas as EEOC chairman waged with the very Reagan administration conservatives—William Bradford Reynolds and Kenneth Cribb—who were doing the judge-picking. Mayer and Abramson take note of these disputes, but fail to draw the logical conclusions.

I have spoken to dozens of Thomas's friends and colleagues over the past few years—not one of whom believes that he wanted to be a judge before the subject was first broached with him in the late 1980s, let alone that he launched "an aggressive, canny" campaign to get on the court, as the authors have it. Richard Leon, a Washington lawyer and Holy Cross classmate of Thomas's with whom he had many discussions about career moves during the 1980s, called the suggestion that he positioned himself for a court appointment "sickeningly ridiculous." Clifford Faddis, a St. Louis lawyer and close friend of Thomas's for twenty years, said: "This is the kind of stuff we talked about all the time. He never wanted to be a judge until the appeals court was offered in 1989."

Michael Uhlmann, a Washington lawyer who directed the Justice Department's transition team for President-elect Bush, met privately three or four times with Thomas after the November 1988 election to discuss various jobs in the Bush administration. "I first called him about the deputy's job at Justice under [Richard] Thornburgh and he was interested. I ran it by Thornburgh, but I think he had basically already decided he wanted [Robert] Fiske," Uhlmann recalled.

"Then I tried to sell Clarence on a deputy slot in one of the other departments, like Transportation. It would be a move into a commercial area, and I think he would have been interested in that, but [Sam] Skinner had his own deputy in mind, too.

"It was clear to me that Clarence wanted to serve," Uhlmann recalled, "but it was also clear that he had not given much thought to any particular job. It wasn't until well into the conversation that I brought up the circuit [court]. If he was scheming to get on the court, he was so clever that no one else knew about it."

Judge Laurence Silberman, a close friend who served with Thomas on the D.C. circuit, corroborates Uhlmann's recollection. "At some point, Uhlmann mentioned the appeals court [to Thomas]," Silberman told me. "[Thomas] called me and told me that that wasn't what he had in mind at all. I had to persuade him that being a judge is a wonderful life, that the contemplative, academic side of it could be quite rewarding. I had to use considerable persuasion."

Neither Leon, Faddis, Uhlmann, nor Silberman was interviewed for the book. Moreover, Bush White House counsel C. Boyden Gray and his deputy Lee Liberman weren't asked by the authors about any supposed campaign for the appeals court. Since Gray and Liberman were the most influential voices in judicial selection, they certainly would have seen evidence of it (phone calls and the like), and they say they didn't. "It's nuts," Gray told me. "Mike was the first to bring it up and my response was he would be brilliant but would he take it? And we didn't know."

The authors address Thomas's nomination to the Supreme Court in a chapter called "The Deal." They allege that conservative dissatisfaction with the choice of David Souter for the high court led the Bush White House to promise the Free Congress Foundation that it could dictate the next pick. "The Deal" was supposedly struck between White House chief of staff John Sununu, Souter's patron, and

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Tom Jipping, who had succeeded Patrick McGuigan as the director of Free Congress's judicial project.

The notes indicate that Sununu declined to be interviewed. Jipping told me he was available to be interviewed, but the authors never asked. "Jill called me to verify a quote that she said was in Tim Phelps's book. She read me one thing and said, 'Is it true?'"

The notes say that "correspondence between Jipping and Sununu confirms Jipping's account." Jipping's "account," however, was lifted by Abramson from Phelps, and she does not even credit it. Turning back to the text, the only cited correspondence is two memos from Jipping to Sununu; since there is no correspondence from Sununu, the word "between" is misleading. The only evidence for the "deal" consists in a one-sided conversation. In the ways of Washington, the Jipping memos were likely written in a self-serving manner, designed to foster just the impression that Mayer and Abramson have drawn: That he is more powerful than he is.

Most importantly, Mayer and Abramson ignore a crucial fact that undermines their notion of any "deal." On the day that Thurgood Marshall resigned, they report, "Sununu was on the phone to Jipping, asking for his advice on a replacement. That same evening, Jipping faxed back a detailed reply. . . . Jipping's candidate was a forty-three-year-old appeals court judge named Clarence Thomas." Yet Thomas had emerged as the frontrunner within an hour of Marshall's resignation late that morning. By 4:30 p.m.—hours before the Jipping fax arrived at the White House—Thomas was already meeting with Boyden Gray and Richard Thornburgh, firming up his place on the inside track. Sununu, it turns out, was not calling for Jipping's suggestions on a replacement for Marshall, but rather to build support in the conservative movement for a Thomas nomination. "Sununu was not in a position to deliver any deal," Gray said. "He wasn't very involved in the decision."

Much of the reporting on Thomas is anonymously sourced. In the rare instance when one of these anecdotes is actually sourced to a named person so that it can be double-checked, the material doesn't hold up:

> At Yale he talked bitterly about the "light-skinned elite" blacks who he thought had it easier than the darker ones. His closest friends at Yale, such as Harry Singleton and Frank Washington, recalled how the three of them would spend hours around Singleton's kitchen table discussing the advantages that lighter, better-connected blacks in the school enjoyed."

The notes indicate "interview with Singleton" for this passage. Singleton, however, told me, "Frank and I were among the lightest-skinned blacks there. That is complete nonsense. No such conversations ever took place like that with me. . . . I don't recall Abramson asking about it, but I have a very clear memory of her sitting here trying to force words into my mouth about how Clarence supposedly only liked light-skinned women." Though the authors didn't interview Washington, he told me that the conversation described above never happened.

As a way of explaining away the fact that scores of Thomas's friends and co-workers have sworn that they have never seen Thomas exhibit anything remotely like the qualities ascribed to him by Anita Hill, the authors posit a race-based theory: Thomas is a Jekyll-Hyde character who acts one way among whites and another among blacks, and then acts one way among light-skinned blacks and another among dark-skinned blacks. "Interestingly, all the people who recalled this [crude] side of Thomas are black," they report.[6]

Judith Winston, a former Department of Education colleague of Thomas's who later worked for the Women's Legal Defense Fund, which strongly opposed the Thomas nomination (we do not learn this when she is first introduced), is presented as the only identified source who supposedly "confirms" that Thomas used foul language in front of blacks, not whites. Yet it is evident from the quote that Winston doesn't confirm this at all; she simply says, "He was more relaxed around blacks, as most of us are."

It is a fair presumption that Winston never saw Thomas say or do anything untoward: Though the authors conveniently overlook the fact, Winston was one of two women contacted by former Senator Howard Metzenbaum's staff when Hill's charge first reached them. Seeking corroboration of Hill's allegations, the staff learned from Winston that she had no reason to believe the charge was true, according to the report of Senate investigator Peter Fleming released in the spring of 1992. (Winston did not return a call seeking comment.)

Before her sexual allegations are disclosed, Angela Wright is introduced to say that she was disturbed when she saw Thomas attacking black recipients of welfare in front of "white conservatives." Later in the book Wright is trotted out again to observe, "He has more respect for light-skinned women. It's racist, but I think he definitely treats white differently than black, and among black women I have seen a real difference depending on skin color." The authors continue: "Wright pointed out that both she and Hill are dark, while most whom Thomas promoted and who testified on his behalf during the hearings were light, Hispanic or white."

Surely Mayer and Abramson know better. Thomas has been as critical of black welfare dependency in speeches before black audiences and in interviews with black-oriented publications as he has with predominantly white audiences. He has dated (and married) white women and black women, light-skinned and dark-skinned blacks. There were men and women, black and white, light-skinned and dark-skinned black men and black women, who supported and testified for Thomas. And there were dark-skinned blacks who said under oath that the Thomas they knew was incapable of speaking lewdly.

The authors inject their racial attitudes into the story through elaborate descriptions of Thomas's physical at-

[6] For more on the authors' attitude on race, see the December 1994 issue of *Mirabella* magazine, in which Abramson speaks of the difficulties and frustrations she encountered dealing with what she called "black interview subjects."

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tributes and their purported effect on his personality—"big lips, nappy hair . . . if he were any blacker, he'd be blue. . . . [Thomas] felt inferior and wasn't attractive to women." The middle-class family of Thomas's first wife, according to an unidentified friend, "must have seemed to Thomas like a black version of *Leave It To Beaver*." (This last dig, of course, undercuts the earlier attempt to show that Thomas didn't really grow up poor.)

Race even creeps into the authors' analysis of Thomas's record on the Supreme Court. The suggestion that Thomas is not living up to a supposed commitment that "as a black man he would bring empathy to the high court" is not only a racist and non-legal critique but wrong as a factual matter. Thomas has confronted the ill-effects of left-wing judicial activism on his race—apparently not the kind of "empathy" Mayer and Abramson think fitting for a black justice. In *United States* v. *Fordice*, the court ruled that a state that had previously sponsored de jure segregation in its colleges did not satisfy its constitutional obligations by merely adopting racially neutral policies. In a separate concurrence, Thomas wrote that while eliminating discrimination in colleges is desirable, the court should be careful not to destroy historically black colleges in the process. In *Dawson* v. *Delaware*, an 8-1 case with Thomas dissenting, the justice wrote that a state should not be constitutionally barred from introducing as evidence at the capital sentencing of a defendant the fact that the defendant belonged to a racist prison gang known as the Aryan Brotherhood. And in *Holder* v. *Hall*, a powerful Thomas concurrence warned that racial gerrymanders has resulted in "racial 'balkanization' "—and the stereotyping of blacks.

Angela Wright

The authors also insinuate throughout the book that Thomas is less than highly intelligent. We are told that Thomas is "not especially gifted," though no evidence is offered for the assertion. Thomas is said to have an unusual "reliance" on his fellow circuit judge Laurence Silberman, but the authors don't say what that means or how they know it.

They also seem automatically and patronizingly to conclude that because two justices agree with each other and one of them is black, ipso facto the black must be the one who is following. "[Thomas] frequently seemed content to let [Justice Antonin] Scalia write his dissenting opinions, to which he merely added his consent," they report. They revel in the statistic that Justices Scalia and Thomas vote together 85 percent of the time. The authors don't seem to realize that the overwhelming majority of non-unanimous cases involve only one dissenting opinion, usually from the most senior justice. Nor do they seem aware that Justices David Souter and Harry Blackmun voted together 81 percent of the time last term, and in their last six years together on the court, Justices William Brennan and Marshall ranged from a high of 100 percent agreement in 1984 to a low of 91 percent agreement in 1985. Some of the important opinions where Thomas wrote and Scalia joined him include *Holder*; *Hudson* v. *McMillian*; *Foucha* v. *Louisiana*; and *Evans* v. *United States*.

But to return to Mayer and Abramson's concern: If the subject of race is worth raising at all, it would be to show the reverse of what the authors contend: in the black community, lighter-skinned, better-educated, liberal, higher-income blacks were more apt to oppose Thomas; he drew his strongest support from darker-skinned, less privileged black men and women. During the Hill hearings, polls showed the clear majority of all blacks believed Thomas, not Hill.

Mayer and Abramson's final run at Thomas is an effort to show that none of his associates is reliable. They all take their lumps, beginning with his wife. Ginni Thomas is depicted as a psychotic: a sunny, trusting, sweetly naive, invariably warm and cheerful woman who spends her time taking homeless strangers to lunch and attending a church that was a "center of anti-abortion political activity." The church, as the authors see it, filled an emotional void opened when Ginni Thomas withdrew from Lifespring, depicted as a brain-washing assertiveness training group based on the use of ridicule and embarrassment to which she had lost "her balance."

Phyllis Berry-Myers, one of the supposedly non-existent dark-skinned black women who testified on Thomas's behalf in the hearings, allegedly stood on toilets in EEOC bathrooms eavesdropping for Thomas and "conducted animated conversation with herself over tea set for two." Not surprisingly, these charges are attributed to an unnamed "former colleague" of Berry-Myers. Berry-Myers told me that while she was interviewed by Abramson (who said she was writing an article for the *Journal* and never mentioned a book), she was never asked about these derogatory stories. "I've never stood on a toilet in my life, and if I had, who would know?" Berry-Myers said. "And I don't even drink tea."

Another witness for Thomas, Charles Kothe, the former dean of Oral Roberts University law school, is dismissed by anonymous sources as "something of an eccentric, a kind of elderly problem case who had to be kept busy and out of the

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way." Mayer did interview Kothe, who was so disturbed by the encounter that he wrote her a letter the following day. "My misgiving arose from your style and what appeared to be your mission. Your misquotation of what I said in several instances when you repeated my response . . . gave me serious concern."

Jeffrey Zuckerman is introduced as "a white lawyer and White House ally" who became Thomas's chief of staff in 1984. He is skewered for supposedly advancing the view that the Equal Pay Act "actually hurt blacks because it deprived them of jobs that employers would be willing to give them if they could be paid less than whites." Zuckerman told me that the argument was about the act's impact on women and men, not blacks and whites. "The Equal Pay Act has nothing to do with whites and blacks. On its face, that's a false statement. It's an impossible statement."

It is also reported that Zuckerman and Thomas made a habit of roaming the halls of the EEOC together as Zuckerman chanted, "Heads are gonna roll."

Zuckerman says: "I rarely walked the halls of the EEOC, and certainly not with Thomas. Thomas sometimes walked the halls to develop relationships with the professional staff who were trying to undo everything he was trying to do. He didn't take me with him. I was controversial and I would have been a liability. I defy a single person to come forward and say publicly that I ever said or did any such thing as Mayer and Abramson describe." The authors did not bother approaching Zuckerman for an interview, he says. And as it happens, no one has in fact publicly accused him of anything: the anecdote is simply not sourced at all.

A Thomas speechwriter at the EEOC, Ken Masugi, is introduced as having been a "law professor at the University of California at Irvine" before he joined the staff in 1986. But Masugi was a political science professor, not a law professor, and he taught one course at UCI in the fall of 1982, several years before meeting Thomas. UCI doesn't even have a law school. Masugi is described as a "follower of the arcane conservative legal thinker Harry Jaffa, a professor at Claremont College" (actually Claremont-McKenna). Jaffa's first major book on constitutional law wasn't published until 1994—it consists largely of attacks on the conservative legal views of Chief Justice William Rehnquist, Judge Robert Bork, and Edwin Meese.

Mayer and Abramson further assert that Masugi and Jaffa are among the "cult-like followers of the German philosopher Leo Strauss." What sort of "cult" is this? Leo Strauss was an American, a Jew born in Germany, in 1899, who went on to teach generations of political philosophy students at the New School for Social Research in New York and the University of Chicago, among other institutions.

Those who supported and handled Thomas's Supreme Court nomination are not spared this skewed treatment, either. The authors view "the right" as a monolithic, unthinking entity—a bunch of flying monkeys ready to be summoned at will by the Wicked Witch of the West. The Landmark Legal Foundation is described as "a legal group allied with the New Right leader Paul Weyrich." Clint Bolick, then the institute's director, told me, "We had no connection with Weyrich, but merely worked independently toward the same goal."

The authors report (not for the first time; Tim Phelps broke the story) that Bolick privately discussed with a reporter for the *Baltimore Sun*, Arch Parsons, who was friendly with NAACP executive director Ben Hooks, what position Hooks might take on the Thomas nomination. "According to Bolick, Parsons offered to suspend any pretensions to journalistic objectivity and serve as an intermediary for Thomas between the White House and Hooks," the authors report. Bolick, who was interviewed for the book, told me, "Good grief. I never said that about Arch Parsons."

The authors rely heavily on the contention that White House efforts to win support for Thomas had an aura of illegality because the federal anti-lobbying act prohibits executive branch officials from encouraging members of the public to lobby Congress about certain matters. The authors theorize that the White House efforts were organized to skirt this law, but that in some instances they ran afoul of it. They draw an analogy between the pro-Thomas efforts and the Reagan administration's efforts on behalf of the contras, which were widely believed to violate another federal law, the Boland Amendment.

The problem with the authors' theory is that it is perfectly clear that the anti-lobbying act does not apply to nominations. By its terms, it covers only legislation and appropriations. Walter Dellinger, head of the Clinton Justice Department's Office of Legal Counsel, agrees with this interpretation, echoing a formal Justice Department opinion given two years before Thomas's nomination.

Ethics laws can be complicated, but this one isn't, and the authors' misrepresentation hardly appears an innocent mistake. In an unmarked note 170 pages after their accusations of illegality, the authors acknowledge that the White House effort "may have been legal." Citing the text of the act, they note the obvious fact that "a nomination isn't legislation or an appropriation." They also note that lawyers from the White House counsel's office told them that the act did not cover nominations, and they offer no contrary legal opinion from anyone. Their only named source for an interpretation of any aspect of the anti-lobbying law is David Demarest, a former White House official who is not a lawyer, whose job was public relations, and whose statements as quoted do not go to the question of whether the law applies to nominations, even though they are couched by the authors to appear to do so.

Finally, Mayer and Abramson report that former Reagan chief of staff Kenneth Duberstein, who was retained by the Bush White House as an outside political strategist, divulged the fact that Thomas's sister had once had an abortion to foster the impression that Thomas supported abortion rights. Leafing to the back of the book, we learn:

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> In a completely off-the-record conversation—which meant that the information was barred from ever getting into print—he [Duberstein] hinted at Thomas's open-mindedness concerning his sister to the *New York Times*, evidently in the hopes of softening the influential liberal paper's coverage of the nominee.

If the information was barred from ever getting into print, how did it get into print? "When Jane asked me about it, I told her first of all that I don't remember the interview," Duberstein told me. "Then I said, 'If it was off-the-record, how would you know about it anyway?' And she said 'I was dating the reporter.' At that point I terminated the interview. She's using material from an off-the-record interview from a paper where neither of them [Mayer or Abramson] had worked. It just showed me these two can't be trusted."

IV. St. Anita and Acolytes

"If there was ever a perfect person, it was Faye," one source confides to Mayer and Abramson about Anita Faye Hill. Once one gets beyond this kind of media boilerplate, the sections of the book dealing with Hill turn out to be surprisingly informative—though there is no sign that the authors comprehend the implications of what they've dug up. The new material redounds to the detriment of Hill's case against Thomas.

Or perhaps they really just don't get it: Readers familiar with the record of the hearings, as well as my book, will recall that at every point at which Hill's sworn testimony touches the real world, her veracity has been impugned or contradicted by the accounts of independent witnesses or publicly available records. Thus, the authors find themselves in the unenviable position of having to argue that everyone but Anita Hill is a liar. In dealing with Hill's testimony and her witnesses—the substance of the case—Mayer and Abramson leave the impression that they are simply not conversant enough with the record of the hearing to write intelligently about it.

The authors' argument, in essence, is that Hill's case was stronger than it appeared to be during the hearings. Hill supplies new explanations for some of the more troubling aspects of her Senate testimony. But in so doing, she raises new questions about her own veracity and credibility. Hill's witnesses are re-interviewed with an eye toward shoring up some of the weak spots in their testimony, but they end up in deeper holes. And we meet a few new "corroborators" for Hill who don't corroborate. One of them, in fact, turns out to be another smoking gun who proves indisputably that Anita Hill is a liar.

Mayer and Abramson dismiss out of hand any inconsistencies, contradictions, and falsehoods in Hill's testimony: "Questions can be raised, and were during the hearings, about the accuracy of her memory, the precision of her language, and even the clarity of her judgment about herself and others. But by all accounts, Hill had been scrupulous about being truthful all her life."

By all accounts? What about Clarence Thomas's sworn testimony? What about Harry Singleton, who replaced Thomas as the assistant secretary of education in 1982, and who has said publicly that Anita Hill lied when she testified that she followed Thomas from Education to the EEOC because she feared for her job and that she did not know who Thomas's replacement was going to be? Singleton says he specifically asked Hill to stay on as his attorney-adviser and Hill turned him down to go with Thomas.

The authors deal with this key discrepancy not by trying to find others who may have known about the Singleton offer (or, alternatively, by attacking Singleton's credibility) but taking Anita Hill's word at face value (as much of the media did during the hearings). They seem to have little idea of how to go about proving their own case. We're just supposed to accept it on faith.

In the interview she gave the authors, we discover that "Hill said she recalled no such discussion with Singleton." Interestingly, however, the implication here is that Hill has backed off her sworn claim not to have even known Singleton. (Since publishing my book, I have found a corroborator for Singleton's version of the story: Patricia Healy, who worked as his deputy at the time.)

Among the other purported liars in this book are then–Judiciary Committee chairman Senator Joseph Biden and his senior staffers (Harriet Grant told special counsel Fleming that Hill wanted to make the charge without letting the nominee know her name; Hill, the authors write, "would dispute this assessment"); the two FBI agents who said in sworn affidavits that Hill had been asked for all of the details of her allegations during the initial interview (the affidavits were filed after Hill said under oath that she hadn't been asked for all the details); and John Burke, the liberal Democratic lawyer who filed an affidavit directly contradicting Hill's sworn claim that she had never been asked by anyone to leave the Wald, Harkrader & Ross law firm.

The authors' handling of the Burke controversy is a good example of their inability to rebut certain testimony impeaching Anita Hill's credibility. The issue is whether Burke, for whatever reason, counseled Hill that it would be in her best interest to leave the firm. Burke had described the conversation as a private one-on-one review.

In an effort to refute Burke, other Wald partners, one of whom coached Anita Hill in her testimony against Thomas (though the authors don't mention this), are quoted as saying they had no knowledge of Burke or anyone else asking Hill to leave the firm. Someone who worked in Burke's department is quoted as saying that he didn't recall Burke's ever having complained about Hill. Another partner says, "If Anita was having trouble, I probably would have known it." None of this conjecture, needless to say, "directly contradicts Burke," as the authors claim. Mayer and Abramson then go on to seriously suggest—with the racist tinge to which we have now grown accustomed—that Burke had Hill confused with another black associate. Burke, who

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wasn't interviewed by the authors, has strongly denied this to me and many other reporters.[7]

The authors also expend much energy arguing that Hill's performance was not quite poor enough to have caused her to have been formally dismissed by the firm. But Burke never said she was dismissed by the firm, only that he advised her privately to seek work elsewhere because her opportunities for advancement looked poor.

Hill's personnel records—which the Senate Republicans had sought unsuccessfully to subpoena during the hearing, after Hill said no one had asked her to leave the firm and Burke swore otherwise—are described by the authors. To anyone familiar with law firm evaluations, Hill's reviews were pretty terrible. According to Mayer and Abramson, the Wald records show Hill was making "satisfactory but not outstanding progress. . . . [T]here were more than a few criticisms. One partner complained that she was prone to disappear into the library and had left work altogether during one emergency assignment. . . . Her recorded billable hours—which law firms use as a measure of productivity—were among the lowest of all the associates." When the partners met for her first review, she was told that her work was "generally adequate" but "uneven."

Rose Jourdain

It is now clear why the Democrats fought and voted down the subpoena: The records end up supporting, not hurting, Burke's credibility. The Democrats' suppression of these records is actually more of a cover-up than I had known until recently, when I learned that Burke had first contacted Senators Ted Kennedy and Howard Metzenbaum about Hill's statement before he approached Senator Danforth and swore out his affidavit. Kennedy used the tip not to investigate, but to engineer a party-line vote to shut down Republican efforts to get to the truth of the matter.

The authors' reporting on Hill's politics is also telling. At the time of the hearings, Hill was widely portrayed in the press (notably in the *New York Times* and *Time*) as a Bork-supporting Reagan Republican who couldn't possibly have had an ideological motive to derail the Thomas nomination. This was baloney, as every reporter who has looked into the matter subsequently has concluded, and as Hill herself has conceded in several interviews since the hearings.

[7] At an earlier point in the book, we are told inexplicably that Hill also looked like Angela Wright, so much so that they could be sisters.

At some points in the book, the authors seem intent on sticking to the old mythology:

> That Friday, [Sen. Hank] Brown did succeed in posing a general question about whether there were areas of serious philosophical disagreement between the two of them when Hill worked for Thomas. When she responded that they had disagreed on certain issues and had discussed them, Brown interjected, "Would that be the case with regard to say, abortion, or *Roe v. Wade*?" The Caucus Room was utterly silent as Hill leaned forward to answer; then she paused and looked quizzically at Biden. The hearings, he had said repeatedly, were to stay within the narrow scope of Thomas's alleged sexual harassment, and the abortion question was clearly outside this boundary. Biden ruled the question out of order, but the inference that some disagreement had occurred between them was left hanging in the air.

There was more than an "inference" in the room. Mayer and Abramson have left out Hill's answer to Brown's question:

> HILL: That I am not sure of his philosophies?
> BROWN: Sure of his philosophy or do you perceive a significant difference between the two of you in that area?
> HILL: Yes.

It was at *this* point—after Hill had admitted to a philosophic difference—that Chairman Biden intervened and ruled the line of questioning out of order.

Mayer and Abramson can't seem to conceive of any issue other than abortion that could possibly provide sufficient motive for Hill. Thus they go on to concede that there were other political differences between the two, but portray them as insignificant. They confirm that Hill is a registered Democrat, a committed civil rights activist, and the chief faculty sponsor of a "hate speech" resolution at the University of Oklahoma (not Oklahoma State University, as the index wrongly indicates). They further report:

> Besides her troubling memories of Thomas's upsetting and perhaps unlawful behavior, she had reservations about the nomination for philosophical reasons. After she left the EEOC, Hill had watched Thomas harden from the independent thinker she had known into a man she regarded as a doctrinaire ideologue. When she was working for him, they had often argued about issues such as affirmative action, but Hill thought Thomas's mind was still receptive to other points of view. In the later Reagan years, she felt Thomas had ceased to have the open mind required of a judge.

(continued on page 68)

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Playmates of the Month

by John Corry

The mob that set out to lynch Clarence Thomas this time was not as big as the one before, but certainly it was better organized. The mob sprang up from the media, and its tactics were more precise. First, the *Wall Street Journal* published an excerpt from *Strange Justice*, the book by Jane Mayer and Jill Abramson, two *Journal* reporters. That night, ABC ran not one, but two programs—"Turning Point" and "Nightline"—that repeated all the charges in the excerpt. Liberal columnists and commentators brayed approvingly in the next few days, and then *Newsweek* devoted five pages to what it called the Mayer-Abramson finding: "Basically . . . that Thomas is a liar, a sexual harasser with a strong yen for pornography." We were witnessing one of the shabbiest journalistic performances in years.

But fair is fair, and it may be argued that the performance had nothing to do with journalism—a point conceded, even if inadvertently, by Abramson and Mayer. The Anita Hill–Clarence Thomas dispute, they wrote in the *Journal* excerpt, "continues to be an active battlefront in America's culture wars." They seemed to be giving away the whole game here. The mob was made up of journalists, but they were practicing cultural warfare.

Consider the *Wall Street Journal* excerpt, the font from which all else flowed. It opened with the recollection of a woman named Kaye Savage, who picked up Thomas at his apartment one day in 1982, and then drove him to a store to buy running shoes. Savage described the apartment as still unfurnished—Thomas was recently divorced—with little more in it than a mattress, a stereo, and a pile of old *Playboy* magazines. Mayer and Abramson took up the description from there: "There was only one main room, but its walls—as well as those of the little galley kitchen and even the bathroom door—were adorned with nude centerfolds."

The suggestion was crude and really quite graphic: A young black bachelor lives alone, with only a mattress on the floor, and all around him, even on the bathroom door, the airbrushed, pneumatic forms of naked white women. *Wall Street Journal* readers damn well knew what to think about that. Presumably they were meant to. Mayer and Abramson, as well as the *Journal* editors, had given it their best and most nasty shot. Whatever else might have been in the book, they had begun with the part that seemed most wounding to Thomas.

And no question but that this worked; Anna Quindlen, for one, got it immediately. "A career civil servant named Kaye Savage," Quindlen wrote in the *New York Times*, "visited Mr. Thomas's apartment and was stunned to find the walls covered with *Playboy* centerfolds." *Newsweek* promoted the story on its cover and mentioned the nudes on the walls in the first paragraph of its article, the caption under a picture of Kaye Savage, and an excerpt from the book.

Thus the assault on Thomas unfolded in one seamless piece. Mayer and Abramson mentioned Thomas's "pronounced interest in pornography" in television interviews all week, even though as broad-minded liberals they declined to denounce it. Pornography? "We don't think there's anything wrong with that," Abramson said coyly on CNBC. Cultural warfare has its own sanctimonious rules. Cultural warriors are allowed to make accusations, and then dismiss them. They are allowed to dismiss facts as well. As it turned out, there were no nudes on Thomas's walls, although maybe there was one in the kitchen.

That was disclosed on ABC; the producers hated to make the disclosure, but they just couldn't help it.

"Turning Point" and "Nightline" were both cut-and-paste jobs, pretending at serious journalism, but with no other purpose than smearing Thomas. Mayer and Abramson had based their assault on the contention that the Senate Judiciary Committee had not called four women whose testimony would have corroborated the testimony by Anita Hill. ABC obligingly called them instead. You had to listen and watch closely, though, to realize how their ABC interviews were edited. "More women tell their stories," Ted Koppel said at the opening of "Nightline," and then we saw Kaye Savage.

"I was just shocked," she said. "I mean, I was aghast. I was disgusted."

Savage disappeared then, leaving viewers to speculate about why she had been so upset. She did not return for some time, and when she did she was introduced by Nina Totenberg, who said that if Savage had been allowed to testify, she would have said that Thomas had a "pronounced interest in pornography." Then Savage described what had left her shocked, aghast, and disgusted on that memorable day twelve years ago: "In the galley kitchen, at the end of the kitchen, on the wall, there was a *Playboy* centerfold . . ." Oh.

The other nudes had vanished. The walls of the apartment were clean. Mayer and Abramson seemed to have hung all those other centerfolds themselves to prove that Thomas had a pronounced interest in pornography. ABC was intent on proving it, too. When Savage had mentioned the lone centerfold on "Turning Point" earlier that night, she was being interviewed not by Totenberg but by Michel McQueen. That part of the program had been set up with care. First, McQueen asked Jane Mayer "what kind of in-

John Corry, a former New York Times *media critic, is the author of* My Times: Adventures in the News Trade *(Grosset/G.P. Putnam's Sons).*

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formation" about Thomas the Republicans had tried to suppress. "Well," Mayer answered, "it was information that would have been very, very explosive if it had ever been allowed to be aired." That sounded devastating; God only knew what the information might be. Moments later, suspense and anticipation mounting, Savage said she had been shocked, aghast, and disgusted. Immediately, then, "Turning Point" went to a station break.

When it returned, Forrest Sawyer, the program's anchor, had the audacity to mention "our investigation," meaning that the investigation had been conducted by ABC. (Koppel intimated the same thing on "Nightline.") Obviously that was nonsense; all the information and innuendo were coming out of the Mayer-Abramson rumination. Indeed, Mayer soon came back and suggested—cultural warriors are cautious about making flat statements—that Thomas had a "pronounced interest in sexually explicit materials." Thus the stage was set for Savage's big disclosure, the explosive information promised earlier. This turned out to be, anti-climactically, the single *Playboy* centerfold.

On "Nightline," however, this was presented slightly differently. The film that showed Savage was almost the same, although McQueen had disappeared and the interviewer now seemed to be Totenberg. She asked Savage an additional question about what was hanging on Thomas's wall. We may assume that someone at ABC saw the first version of the interview, and realized that it did not confirm what Mayer and Abramson had reported. All those nudes had disappeared, and Totenberg had been sent out to find them. It did not work. No matter how cleverly ABC spliced and edited the film, there was still only the one centerfold in Thomas's galley kitchen.

The other women who appeared on television that night—Angela Wright, Rose Jourdain, and Sukhari Hardnett—had also turned up in the *Journal* excerpt that morning. Along with Savage, they were Thomas's principal accusers, and if the Senate had heard their testimony, Totenberg said, it "might have changed the course of history." In other words, Thomas might not have gotten on the Supreme Court, and ABC was mourning the fact that he had. But it was failing to mention, much less interview, any of the dozen women who had testified at the Senate hearing in support of Thomas. They had all disappeared down the memory hole. Keep in mind now *Newsweek*'s characterization of the basic Mayer-Abramson conclusion: "that Thomas is a liar, a sexual harasser with a strong yen for pornography." ABC wanted everyone else to conclude that, too, and in making its case it dropped all pretense of fairness, and gave us, as Thomas himself once said in another context, a hi-tech lynching.

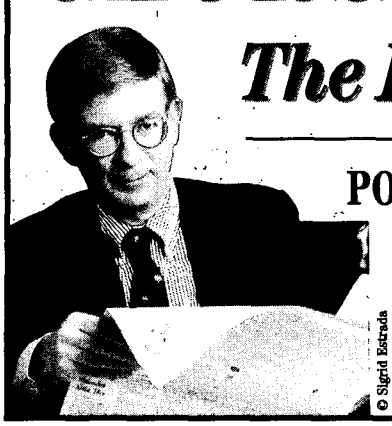
Was Thomas a liar? Hardnett appeared at the start of "Turning Point," speaking a single line: "Well, I mean, I know that he lied." The accusation would just hang there, never to be explained. When Hardnett finally returned, it was only to complain about the "atmosphere" in Thomas's office. Was Thomas a sexual harasser? For that, "Turning Point" and "Nightline" both depended on Wright, whose most damaging statement, artfully edited, was that Thomas had commented on her breasts.

(continued on page 46)

The Shock of Recognition

"Americans are arguing about an agenda of problems remarkably different from the agenda that preoccupied them just ten years ago. The epidemic of **illegitimate births**, the desensitizing effects of **violence** and other coarseness in entertainment, the politicization of higher education that is turning intellectual life into a **power struggle**, the Balkanization of America by **'identity politics'** that produces truculent jockeying among groups seeking preferment in a racial, sexual and **ethnic spoils system**—these and related developments are now at the center of our national conversation. The range of discussible subjects has expanded as the range of things we can take for granted has contracted. Americans are wondering: **what kind of people were we** not so long ago? What kind are we now, and what kind are we becoming?"

GEORGE F. WILL



The Leveling Wind

POLITICS, THE CULTURE & OTHER NEWS 1990-1994

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THE MOST DANGEROUS DRUG IN AMERICA IS

SILENCE.

Washington's drug policy has been one of the most expensive failures in American history.

But not talking about it is costing us much more than money. Elected officials aren't allowed to say that the emperor has no clothes. It's politically incorrect to suggest that the strategy that has cost us over 100 billion tax dollars just isn't going to work.

The streets aren't safer. The flow of drugs hasn't been stopped. The spread of deadly diseases like AIDS from unsafe needle use has reached epidemic proportions. The truth is painfully obvious, ignoring it won't make it go away.

Thanks to our present drug strategy, the United States has now surpassed some of the most repressive regimes in the world to become the leading jailer outside of the Republic of Russia.

Who benefits? Organized crime barons who fill their pockets from the illegal drug trade, which is estimated at over $40 billion a year.

Who loses? Anybody who gets caught in the middle, including police officers and innocent children. Disputes aren't settled in courts of law, but with automatic weapons in the streets.

BUT IT'S POLITICAL SUICIDE TO DEBATE IT.

When Surgeon General Joycelyn Elders said that the existing drug policy was "worth studying," she was censored. When Attorney General Janet Reno directed a review of mandatory minimum sentences for minor drug offenders, she was ignored. The silence is deafening. It should be alarming. America isn't becoming drug free...just less free.

WE THINK IT'S MORAL AND SOCIAL SUICIDE TO BE SILENT.

So, whose silence is it? It's yours, it's mine, it's the guy's next door. We can no longer sit quietly by while our nation continues to invest in a policy that clearly won't work. There's got to be a better way.

We all share a deep concern over the problems caused by drug abuse in our society. But the cure has become worse than the disease. There are effective policies that can be implemented today - policies that will make our nation healthier and more humane.

Our objective is to make sure this crucial debate is explored in local and national media and on Capitol Hill. Many of this country's top judges, mayors, law officers and educators have already contributed time and money to help make sure that it does. But we need your support, your voice, your membership.

Right now, we have an opportunity to make memberships work twice as hard. A major funder is willing to match them dollar for dollar. Your membership contribution of $50 or more will bring you information on how our campaign for a sane drug policy is progressing and how you can participate. It will also bring you a year's subscription to our newsletter, a free copy of Friedman & Szasz's thought-provoking book, *On Liberty and Drugs,* and updated information on how you can become more involved.

If it were possible for America to spend its way out of this problem, we would have by now. But, we have always been able to reason together to find better solutions. Isn't it time we broke the long, dangerous silence and found one for this?

It's time for ideas. It's time for change.

THE DRUG POLICY FOUNDATION IS A NON-PROFIT ORGANIZATION THAT PROMOTES OPEN DEBATE ON DRUG POLICY AND PROVIDES INFORMATION ON ALTERNATIVES.

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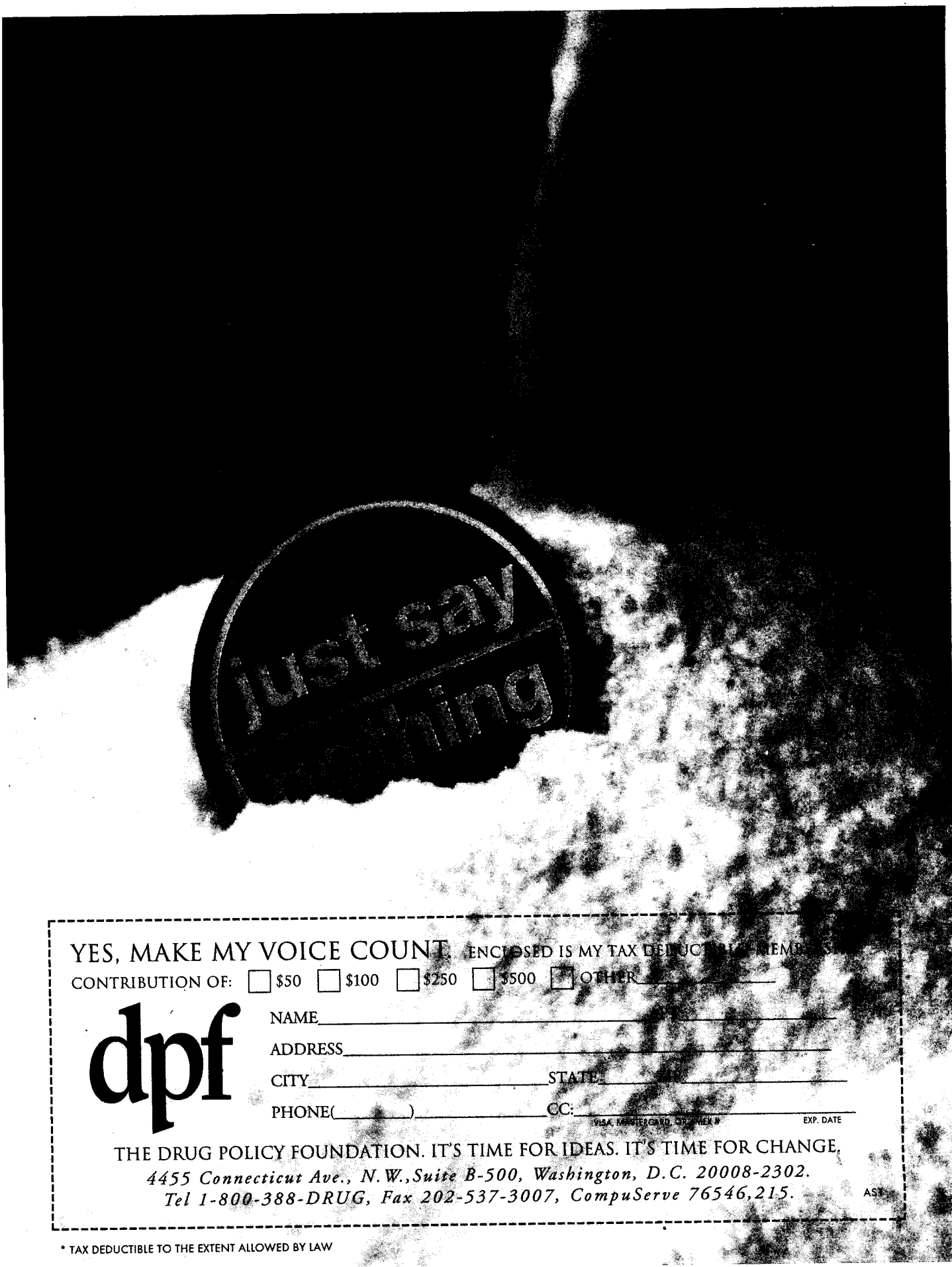

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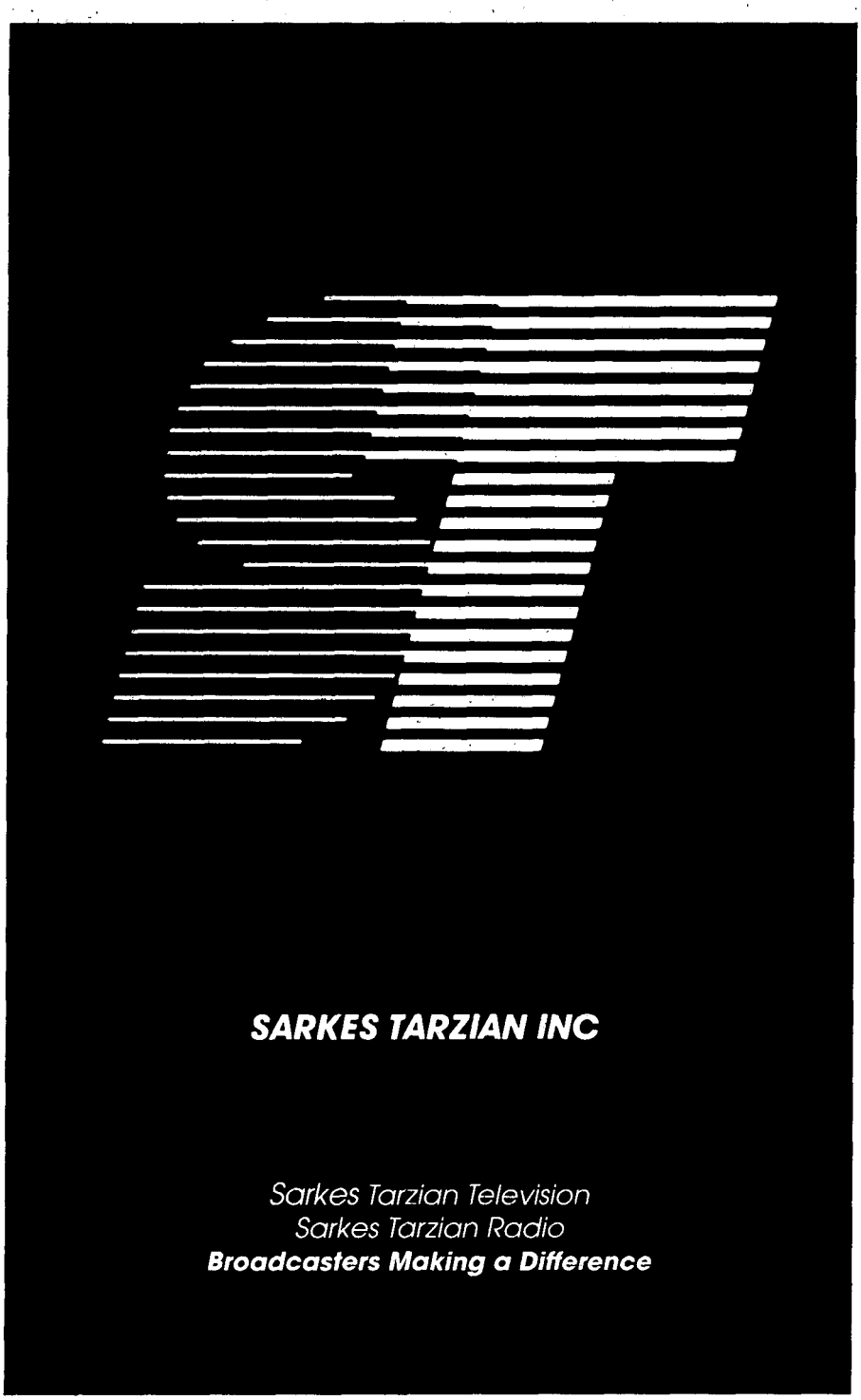
She was supported by Jourdain, who said that Thomas's behavior sometimes left Wright "in tears." But in the *Journal*, Mayer and Abramson had written this: "Ms. Wright said she didn't see the EEOC boss's behavior as sexual harassment, because she never felt harassed by it. 'I am a very strong-willed person, and at no point did I feel intimidated by him,' she said." Did Thomas have a strong yen for pornography? We are back now to Kaye Savage, and the single *Playboy* centerfold.

As testimony that "might have changed the course of history," none of this was persuasive. On the other hand, it is unlikely that was ever its intention. The idea was to humiliate Thomas. Cultural warfare is cruel, and when combined with sexual politics it can be lethal. Liberal politicians avoid taking a stand on it whenever possible. John Danforth correctly accused "Nightline" and "Turning Point" of being "willing to do absolutely anything to try to destroy a human being," but Danforth was singular. His book, *Resurrection*, was sympathetic to Thomas, and an unctuous Arlen Specter had a more typical reaction on a Larry King special. Anita Hill's old scourge said he "had no idea before the hearing how pervasive sexual harassment was across America." He never even mentioned Clarence Thomas.

Meanwhile, the talk shows were giving Mayer and Abramson a free ride. Their interviews were arranged so that they did not have to face anyone who might contradict them. Craven television producers acceded to their demand that they be allowed to appear alone, which spared them from answering hard questions. *Newsweek* had declared that "Mayer and Abramson, both highly regarded reporters, are being attacked by conservatives for an anti-Thomas bias," but that was not true. Advance copies of *Strange Justice* had been distributed so that only sympathizers had received them. Debate was being choked off wherever possible. Where was David Brock, who wrote *The Real Anita Hill*? Even PBS's Charlie Rose wanted to know. Why wouldn't the two authors face him on television?

"We're two serious journalists," Abramson replied, adding that Brock writes for "conservative publications," while their book was "based on fact." Apparently, nothing that appears in a conservative publication is to be trusted, and only liberals tell the truth. You almost had to admire Abramson's chutzpah. Polls this year found that the public held the press in even less esteem than it did Congress. The November election repudiated the one as much as it did the other, and smug liberalism is no longer in style. It may be, though, that the media are unable, or unwilling, to notice. The best kept secret on television on election night was that no Republican incumbent was losing; the next best-kept secret was that the Democrats had lost control of the House. This was disclosed, just barely, only toward the end of the evening, even though the exit polls had been firm about it since noon. The networks say they sat on the information because they did not want to influence the undecided races, but it is just as likely they were in shock. Their Washington bureaus have been run like adjuncts of the Democratic National Committee for years. If you wondered how long it took everyone to regroup, the answer was two days.

(continued on page 83)



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Body Counts

by Grover G. Norquist

The long-predicted partisan realignment has finally come to pass, and Washington is in a state of shock and disbelief. The Democrats' grip on America was broken on Election Tuesday, and the damage inflicted on their party's infrastructure was immense. The GOP gained strength in every region of the nation: Republicans won a net increase of at least 52 seats in the House of Representatives, giving the GOP a 230-203 advantage—a majority for the first time in forty years. The party also gained eight Senate seats on election day; after Alabama's Richard Shelby switched parties, Republicans controlled a 53-47 Senate majority.

The overthrow also touched state houses nationwide. Republicans gained eleven governorships and now hold a 30-18 majority of state executives (with one undecided and one independent), their first majority since 1969. Republicans gained 472 state legislative seats; they took over eighteen state legislative chambers, and now control fifty—three more than the Democrats. Prior to November 8, seventeen states had been under complete Democratic control: a Democratic governor and control of both houses of the state legislature. Only three states had full Republican control. Now only eight states are completely controlled by Democrats, while fifteen are completely controlled by the GOP.

One drastic result of the mid-term elections is a massive loss of Democratic political jobs, estimated nationwide at anywhere between 30,000 and 70,000 positions. The loss of fifty-two House members, each with the authority to hire twenty-two congressional staff, means up to 1,144 jobs will be lost to begin with. Republicans have promised to cut House staff by more than a third, and because Democrats have understaffed the Republicans over the years, all of these cuts will come from the Democratic side—meaning the loss of another 1,400 jobs. All patronage jobs in the Capitol, such as elevator operators who manually run the automatic elevators, may be eliminated or given to Republicans. That's another several thousand jobs. On the Senate side, another 1,000 Democrats will lose staff and committee positions.

Defeats at the state level will spell Democratic job losses across America. Mario Cuomo's loss of the governorship of New York alone will cost Democrats more than 12,000 patronage jobs—some estimates suggest two and three times this number. In New Mexico the new Republican governor can replace 1,250 Democratic appointments; in Wyoming his counterpart has about 1,000 appointments available. If the 472 state legislators defeated by Republicans have only one staffer each, 1,000 Democrats will be looking for work from those defeats. And the eighteen state chambers taken over by Republicans will replace Democrat committee staff with Republicans: another 1,000 jobs.

The mid-term election also resulted in a tremendous destruction of human capital; knowledge of who's who in the Democratic Party is no longer commercially viable. Dozens of Washington careers have depended on the ability of lobbyists to get their calls returned by key staffers for Speaker of the House Tom Foley, Ways and Means Committee Chairman Dan Rostenkowski, Senate Judiciary Chairman Joe Biden, as well as other committee chairmen. Reporters at CBS, NBC, ABC, and other establishment media outlets know only one-half of Washington—the Democratic half no longer in power.

Defeated congressmen, state legislators, and their former staffers, meanwhile, cannot simply jump into corporate lobbying jobs and trade associations. The nation's 22,000 lobbying groups now need Republicans. Fortune 500 firms, many of which have almost exclusively hired former Democratic staffers as lobbyists, will now find it behooves them to have Republicans comprise at least 50 percent of their Washington offices. This will cost Democrats more jobs than the loss of Congress itself. More subtle shifts will take place in the media, where one can detect that the *Washington Times*, the conservative Washington paper, now has better sources and access to power than the *New York Times* or the *Washington Post*.

This massive victory was won by the Republican Party. Some dismissed the Republican sweep of the Senate in 1980 as a personal victory for Ronald Reagan. But in 1994, Reagan's ideas and a party that embodied them—at all levels of government and in all regions of the country—won on policy, not personality.

Dick Armey (R-Tex.), unopposed to become majority leader of the 104th Congress, argues that there are two central reasons this election was "a strenuous reaffirmation of the Reagan revolution." First, the debate over health care exposed the unrelenting left-wing ideology of the Clinton administration, and turned the 1994 electorate more anti-government than 1992 voters had been. A Fabrizio McLaughlin and Associates exit poll found that conservatives outnumbered liberals in the electorate by a margin of 44 to 16 percent. Exit polling by Frank Luntz and Company, commissioned by the Progress and Freedom Foundation, found that 73 percent of voters believed "the federal government is much too large and has too much power." Only five percent felt the government was too small. Of those who indicated that government was too large, 33 percent thought it should be cut in half. →

Grover G. Norquist is the president of Americans for Tax Reform.

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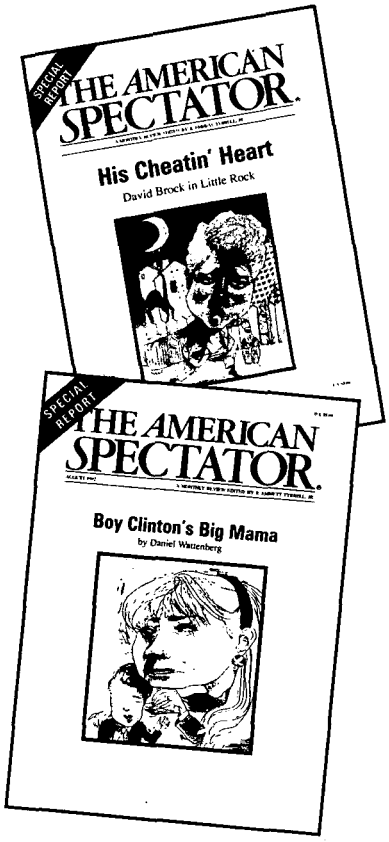

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Asked if they believed the federal government was "more of a partner or more of an opponent in your pursuit of the American dream," 59 percent of Americans said opponent and only 32 percent, partner. Fifty-six percent agreed that "the government has limited [their] rights or threatened [their] basic beliefs." A majority could "foresee a time in the near future" when they would have to disobey the law to protect their constitutional rights.

The second catalyst for the Republican victory, Armey says, was the Contract With America. The contract, which listed ten major pieces of legislation that Republicans committed to bring up for an open vote within the first hundred days of the 104th Congress, was signed by almost every Republican running for the House of Representatives. Democrats attacked the contract, but could not do so without admitting that Republicans had a political agenda they wanted to share with America, while the Democrats and the Clinton White House did not.

The contract itself was made up of ten proposals, such as term limits and a balanced-budget amendment, each of which has more than 70 percent support among the American people. Republican tacticians were particularly delighted that Democrats spent $2 million attacking the contract, money thus not available to be spent elsewhere.

Some Republican strategists have made an analogy with Gettysburg to explain how the contract worked with voters. The contract, they say, allowed the Republicans to take the high ground, forcing the Democrats to come to them at their best possible defensive position. Republican candidates were trained to take hard questions about the contract; only the weakest and least capable buckled.

Democratic advisers James Carville and Stan Greenberg urged Clinton to invite comparison with Reagan and the 1980s—a comparison he could not withstand successfully. Carville and Greenberg seem to have learned nothing from this tactic's failure in the 1993 New Jersey gubernatorial race, in which tax-hiker Jim Florio was defeated by tax-cutter Christine Todd Whitman.

Bill Paxon (R-N.Y.), chairman of the National Republican Campaign Committee, points to another factor in the Republican win: the unprecedented decision by the Republican leadership to

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make a congressman's support for other Republican candidates a factor in committee assignments and intra-party promotion.

One hundred twenty-two of 178 Republican House members participated in a drive to raise $3 million dollars for the NRCC campaign war chest and $3 million for Republican challengers. Amo Houghton (R-N.Y.) and Bill Archer (R-Tex.) reportedly raised $500,000 each. Tom Bliley (R-Vir.), John Boehner (R-Ohio), and the three candidates for Republican whip, Tom Delay of Texas, Bob Walker of Pennsylvania, and Bill McCollum of Florida, not only raised money for other candidates but traveled widely. McCollum helped bankroll a $35,000 independent expenditure against Tom Foley. Jennifer Dunn, a freshman from the state of Washington, was a leader in this effort.

Republican governors William Weld, John Engler, Tommy Thompson, and Christine Todd Whitman helped Republican candidates in New York, Connecticut, and Maryland by sending letters endorsing their tax cut proposals, giving greater credibility to GOP challengers and their tax cut platforms. In 1993, Whitman was the first recipient of similar backing from Republican governors—help provided across state borders within the party.

Yet another factor in the rout was the strong support of the entire GOP coalition. Polling showed that the two groups most likely to vote were households with more than one gun in the home and evangelical Christians. The National Rifle Association, Gun Owners of America, and the Christian Coalition worked hard to get out their voters. Their efforts were energized by the Clinton administration's determination to threaten gun owners and denigrate Christians. Opposition to gun control was a key factor in defeating Tom Foley and Jack Brooks, and in winning the Senate seats in Oklahoma and Pennsylvania. All told, the NRA endorsed 276 House and Senate candidates, 221 of whom won.

The Christian Coalition distributed 33 million voter guides in the two weeks before the election. Exit polling showed that religious conservatives made up 33 percent of the vote, up from 18 percent in 1988 and 24 percent in 1992. Their vote this time went 69 percent for Republicans in the House and Senate, and 71 percent for Republican governors. Social conservatives achieved forty-five pro-life/pro-family victories in the House, as well as eight Senate seats and seven governorships. The Democratic Party's effort to stigmatize evangelical voters did not work. In fact, when asked "Which of the following organizations represents your beliefs?" voters gave the Republican Party 32 percent agreement "all or most of the time," while the Christian Coalition and the Democratic Party roughly tied at 17 and 19 percent respectively.

While the media have been pointing to the defeat of Ollie North as a defeat for the religious right, exit polls by Frank Luntz found that 51 percent of those who voted against North cited Iran-contra concerns as the reason for their decision; only 8 percent cited his support from the religious right. Virginia voters, asked whether religious conservative groups or liberal activist groups presented a bigger threat, feared the liberals more—by a whopping 54 to 25 percent.

Term-limits activists also strengthened Republican candidates. Pro-term-limit groups spent more than $1.5 million in independent, issue-oriented ads. Some ads reminded Washington state voters that the Democratic Party was leading the fight against term limits, which led to the defeat of six Democratic congressmen—the biggest state loss in the nation.

Another key aspect of the Democrats' massive defeat is their loss of committee and subcommittee chairmanships, which radically changes the balance of power in fundraising capability. The Clinton administration and leading committee chairmen squeezed millions out of corporate America for the 1994 elections. Now the Democrats will not be able to continue the Tony Coelho strategy: extorting campaign cash from businesses terrified of what could be inserted into the hidden recesses of a large tax or regulatory bill. Clinton may continue to abuse regulatory agencies as fundraising tools, but a Republican Congress will have subpoena power, as well as the power of the purse, to stop funding to abusive agencies. Much of what has been viewed by the establishment of the last forty years as "hardball politics" is nothing more than the solicitation of bribes.

How fierce a fundraiser will Congressman John Dingell (D-Mich.) be in 1996? Or former terror of the telecommunications industry Ed Markey (D-Mass.)? The Democrats will have to fall back on labor unions, big city machines, trial lawyers, and Hollywood for the money.

(continued on page 79)

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I'm a Soul Gland

by Benjamin J. Stein

Friday

Aaarghh! This cannot be happening. But it is. A modern nightmare. A modern efficiency-productivity-don't-give-a-damn nightmare.

Tommy and I are at the Alaska Airlines counter at LAX, gnashing our teeth. A few days ago, I made reservations to fly on Alaska to Spokane, thence to Sandpoint in a rented car. When we got to the counter, a young man named Mr. Wong laboriously made out our tickets, but made them for three times the price I had been quoted on my reservation. *Three times*. When I brought the tickets back to him another agent, a Hispanic woman, helped. She said, "Oh, Mr. Wong is brand new. He makes these mistakes all the time. But I can't change them once they're issued."

"What do you mean? These are for three times the price in the record."

"Still, the computer won't let us change them."

"Well, figure it out," I said. "We have an hour before the plane leaves, and I want the right tickets."

"All right," she said. "I'll do it by hand. It'll take a few minutes."

She disappeared behind the wall behind the counter. Forty-five minutes later, she emerged to tell me they still could not override the computer and issue the right tickets. Her supervisor came out and stood behind her as she ever so slowly tried to write out new tickets by hand, like a scribe copying the Bible.

"Look," I said. "The plane is about to leave. Mr. Supervisor, could you please just take us to the gate, explain the deal, get us on the plane, and fix the tickets later?"

"No," he said, yawning. "I'm too busy. I can't leave here."

Benjamin J. Stein is a writer, actor, economist, and lawyer living in Malibu, California.

By this time, Little Mr. Perfect was getting restless. I couldn't blame him. He'd been waiting, sitting on his tackle box, for over an hour. "I don't even want to go anymore," he said. "Let's go fishing here at Lake Arrowhead."

"No," I said. "I'm sure the tickets are just about ready."

But they weren't ready, and they did not get ready. Tommy and I missed the plane, all because the first agent was incompetent, the later agents were incompetent, the people who had programmed the computer were incompetent, and the manager did not give a damn.

I was seething by the time we left, with the agents apologizing and promising that at least we would not have to pay for the tickets.

"You'll do a lot more than that," I said. "I hate to litigate, but I think I'd like to sue you just so you'd get a taste of what it's like to jam someone's gears and ruin his outing with his son."

Tommy perked up mightily at that. "Yeah, Daddy," he said. "Let's sue 'em."

Tommy and I went to a shabby McDonald's, had a stale cheeseburger, and then some stale fries, and then went home to mother. I was still seething. Out of my mind. We went to the Universal City Walk and strolled around. Dozens of kids recognized me and wanted their pictures taken with me. There was a chorus of "Buellers" all up and down under the garish, gaudy lights. But it did no good. By that time, I had expected to be staring out at the lake, listening to the lanyards jingling against the masts of the sailboats, feeling the breezes off the Selkirks and the Cabinets, feeling the roar of the passing Burlington Northern. My boy would be in the next bed, begging me to tell him Ren and Stimpy stories as he ate hot chocolate and strawberries from room service at the Edgewater Inn.

But no. Because Alaska is hiring new people and paying them low wages, they get people who can't operate the machines of modern commerce. It's like this everywhere. The tellers can't figure out how to get me an account balance. The people at the yogurt shop don't know how to make chocolate mixed with peanut butter. The clerks at clothing stores don't know how to charge something on my credit card. Airline reservations clerks are the worst of all. You get three different fares for the same trip on the same carrier if you call three different times.

Where is the service in the service economy?

Tuesday

Forget all that. It's a new day and I feel *great*. I woke up in Malibu with Ginger the dog looking me in the face. We got dressed, went for a walk, had breakfast on the deck looking at the hawks and the quail and the waves and the Fuji blimp. Then we fertilized the plants with something miraculous called Miracle-Gro, and then walked around and around the house figuring how much the jacaranda had grown. Very little, because I have the poorest soil on earth, but still, there is growth. There are dark green shoots and new branches.

I felt happy. Yeah. New growth. I like that. There's a smell that comes up Encinal Canyon, through the dense gully of brush and scrubby pine and occasional madrone oak. It tastes of the Pacific and of the sun and of the pine needles. I used to smell that smell in Santa Cruz. Now, there is one small part of my little yard, one patch of a few feet on that lot, where I can still smell it. It's intoxicating.

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Then, a ride on the freeways back to town. In the middle of a fall day, when there's no traffic, the freeways are a great invention. You can move at seventy across a vast city and arrive at your destination feeling as if you had just had a pleasing wind sprint.

I left Ginger at Alex's house with Elena and went off to Disney. I am doing a little errand there for some big brass. The parking attendant raced across the lot to make sure I was happy with my space. The security guard at the Team Disney building tugged at his cap and made certain I knew exactly where I was going.

Then—modern life again. Up on the floor where I was to meet my fellow brainos, I told the receptionist who I was and who I was there to see. She said, "You just wait right here, Benjamin."

Now, I have never met this woman before in my life. She called the man I was to meet and called him by his first name, John. He had never met her before either. Since when are people who are working for you supposed to call you by your first name the first time they meet you? That custom is right up there with waiters who shake hands with you and call you by your first name. I'm almost fifty years old. I like for strangers who are parking my car to just call me "Sir" or "Mister," or even nothing at all.

Anyway, a group of us ate a delicious lunch of fresh tomato soup and swordfish and talked about life. I spied Michael Eisner across the room and went over to talk to him. Considering that he just had bypass surgery and has had a major struggle within the company, lost his best friend, had problems with Euro Disney, and had to give up on his plans to have a theme park in Haymarket, Virginia, he looked great. Thin and healthy. He was laughing about how he was eating something that looked like an omelet but was really made of vegetables. He seemed to have a fair amount of edge for a man who had just been through what he had been through.

Back to my little word processor, a nap listening to Mozart clarinet concertos on the headphones, and then over to pick up Alex and Tommy for dinner at Universal. Just as I was leaving, I got a call from Alex.

"You may have a little trouble getting over here," she said in her usual laconic fashion. "Someone on the street below us has taken a hostage and has a gun and there are police and helicopters and the SWAT team all around here and they're diverting traffic. But I'm sure they'll let you by because you live in the neighborhood."

"Oh, great," I said.

"And also I'm sure they'll let you back because you're a movie star," my witty wife added, with a smile in her voice.

I hustled over there in my Acura. As I hit traffic near Fairfax, I called my machine. Yea!!! There was a call from my agent asking me if I wanted to work for a few days on "Tales From the Crypt." No audition needed. Just show up.

This is like asking a heroin addict if he would like a key to the pharmacy at Cedars-Sinai hospital. I called back with extreme suddenness and told my agent I was ready for "Tales From the Crypt." No haggling about price. I want to do that show. No audition? I love these guys.

Wow. Now I was on top of the world. Sailing.

I drove up Outpost, turned right on Mulholland, and sure enough, there were police everywhere. Helicopters with super-bright spotlights, police with German shepherds on leashes. There was a police line and a policeman in normal blue uniform, and then a SWAT team member carrying an H&K machine pistol. He also had a little hood over his head.

"I live here," I said. "May I go in?"

"Where do you live?" asked the man with the machine gun.

I told him and he said, "Hey, I love your work. Loved you in *The Mask*." He smiled at me and gave me a thumbs-up sign with his free hand while he held the weapon in the other.

"It's not work," I said. "It's pure pleasure."

"Oops," the SWATman said. "Bad me. I said the 'W' word."

I drove on a few feet to Alex's house. As I opened the door, two policemen with German shepherds strolled by. There was furious barking from inside the house. Just in the living room, Tommy stood with his dog, Susie, on her leash. "I'm helping the policemen," Tommy said. "And Susie is helping the police dogs."

Behind him in the living room was an immense web of rope tied to chairs, love seats, sofas, French doors, lamps, even looped over a ceiling light. "This is a trap I made in case the kidnapper tries to get in and gets by me and Susie and tries to get at Mommy and Nana," he said with his big buck-toothed smile, his blue eyes wide and excited.

Anyway, after a few minutes, the police went door to door in the neighborhood telling us all that the villain had been caught. A few minutes after that, there was a story about it on the local TV news. A staggeringly beautiful Swedish girl who was the lover of the criminal, drug dealer, kidnapper, hostage taker, tearfully told the camera that her man was a great guy and could not possibly have done any of this. She was breathtaking.

We undid the trap, took Susie out of her leash, and headed up to Universal City Walk to have dinner with our friends Linda and Michael and their seven-year-old son, Christopher, also adopted, also a gor-

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geous child. We ate at a new country-music-themed restaurant with TV monitors in the floor, like some ghastly, Orwellian nightmare. There was no escaping the sound and the pictures of mass culture. You can turn the telescreen on, but you can't turn it off.

In the front of the restaurant, on a little raised platform, four young men and four young women in cowboy outfits did intricate country dances. Tommy and Christopher ran out by them and did their little jerky imitations of dancing.

Young people today usually do not know how to dance. Not just Tommy's age, but up to their thirties. Sometime in the 1960s, kids stopped learning the Virginia reel and the fox-trot and the jitterbug and just stood on the floor and waved their arms as they grinned. That's not dancing. That's not communication. That's not civilized. Dancing is supposed to be a way for cultured people to relate to one another in an orderly fashion. It's the kinetic equivalent of what conversation and debate used to be: ordered, dignified, with some rules. That's all gone. Long gone.

After a simply horrible meal, we walked down the garish street and let Tommy play with the video games at Sam Goody's. We have to pick him up to carry him away. Otherwise he won't leave. That's why we won't let him own a video game.

All up and down the City Walk, young people came up to me and grabbed my hand and said, "Bueller, Bueller" and had their pictures taken with me. I never can get over the obvious truth that a little turn I did—all improvised, not scripted—in one movie for which I got paid $380 has turned out to mean far more in my life than having gone to law school or college or anything else having to do with occupation. Fate.

Before I went to sleep, Alex called to tell me that Tommy was so excited by what had happened at the SWAT team site (his home) that he had written a tiny essay about it for his school. It read, "Susie and I helped the SWAT team save a woman who was kidnapped by a drug dealer. It was *kool*."

Wednesday

Life. Here I am far out in the San Fernando Valley. This is very near where my wife and I used to go shoot assault rifles. We used to come out here and fire at targets. It was really fun. Then some cruel soul stole them from us about ten years ago. A lucky thing, too, because otherwise we would probably be criminals now for having them. Anyway, that was long ago, when Jimmy Carter was president and we were in a lot of fear about our personal safety. Obviously, things have improved since then.

I'm out here because I am having my back measured for a body cast that will fit over my back and look as if I have been dissected. This is all for "Tales From The Crypt," the scary HBO show I am to be on this week. I play a mean-spirited mortician who yells at his sullen, surly guards, played by the fabulous singer Travis Tritt, and the fine actor Hank Azaria. The guards then kill me and take me to the evil Doctor Orloff, and he dissects me, looking for my "soul gland."

The body cast is so good it really looks as if he has cut open near my spine and is looking for a brightly shining thing that will be my soul gland.

The joke of this is that I am in a warehouse surrounded by casts of ghouls and scary monsters. Someone is playing Jackson Browne on a tape recorder. I am a million miles from Wall Street and from law offices, and I am a very happy boy.

Teach your children well that there is life far away from offices, factories, schools and medical facilities. There's a whole world out there that's a lot of joy to be in and it has nothing to do with punching a clock.

Thursday

Der Tag. This is Fun Day. I get to walk through some swinging doors, find my guards drunk and asleep, and shout at them, "Goddammit. Get up, you idiots!"

Then I get to yell at them quite a bit more, and then I get to have Hank Azaria clobber me on the head with a flashlight, and keep hitting me as I twitch in agony. All the time, he's shouting, "Oh, *sir!* Oh, *sir!*" Then I get to be dragged off to a lab and have various probes put in my body. Wow.

I went through those swinging doors about twenty-five times. It was great. I said, "Goddammit, get up!" a slightly different way each time. The director, Larry Wilson, who also wrote the script, and I were just having a helluva time each and every second. I didn't even mind lying on my stomach, really on my face, on a very dusty floor, for about an hour. The show must go on.

Now, here's a fascinating fact. The life of a set is completely different from what you think of Hollywood life. There are no prima donnas. There is no caviar. It's an industrial site far more than an artistic site. There are burly guys lifting sets and lights everywhere. There are men talking about hunting. There are women talking about babies. There are macho human beings all over the place. There was a man who was a former Marine who had been a huge fan of Richard Nixon. He had stood in line to say good-bye to him for ten hours in Yorba Linda. There was a man who had been in the Marines for eight years and thought he would have wound up in jail without the corps. There are stories of people who used to be stuntmen who were Army Rangers before that. It's a blue-collar world on the set, there with the union men and women. Women talk about babies and makeup. Men talk about hunting and sports and fighting.

Joan Didion once wrote a fabulous essay about being on location with John Wayne, and that really captures it. Men's men sitting around a fire, in Sonora or in Van Nuys or Northridge. The women are applying the makeup. Even the men who apply makeup want to talk about fishing and hunting. This is Republican Hollywood. The Hollywood of broad shoulders and repairing your own car and wondering if you'll have enough money to pay for the fire insurance. Below-the-line Hollywood, the Hollywood of the working man, is very largely conservative. I'm not quite sure what's to be done with that fact, but something, I guess. Maybe the views of these people can be brought to bear on what gets made. Then again, maybe not.

Friday

Now I'm lying on a stainless steel table. A surgical table. There's a bright light above my back. There's a long goose-necked lens being inserted in my mouth to simulate a scalpel being put into my head. It's a bit scary. But that's not really what's bothering me. What's bothering me is that this is the last day of my shooting

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on "Tales From the Crypt." I'm going to be a very lonely guy when this is over. I'll have to say good-bye to Rock and John and Ashlee and Travis and Hank and Larry and Austin (who plays the mad Doctor Orloff). I'll have to say good-bye to the groaning crafts services table, loaded with chips and fruit and juices and sodas. I'll have to say hello to the dreary world of the freeway and waking up with only the gray smoggy skies to stare at.

Suddenly, as I am having these self-indulgent, self-obsessed thoughts—eureka! There's Travis Tritt singing one of his great songs:

You say you were wrong to ever leave me alone,
Now you're sorry, you're lonesome and scared,
And you say you'd be happy if you could just come back home,
Well, here's a quarter, call someone who cares,
Call someone who'll listen and might give a damn,
Maybe one of your sordid affairs,
Here's a quarter, call someone who cares.

I love Hollywood. Show me any law office in the world where Travis Tritt sings in person.

Friday

On the set again. It's taping night at "Hearts Afire," where I am, once more, playing a big nerd, mean-spirited as well, named Mr. Starnes. I'm the principal of the high school in the small Missouri town where Markie Post, John Ritter, and Billy Bob Thornton put out a newspaper in close proximity to a really talented actor named Conchata Farrell. I am to play the bad guy in a story about whether condoms should be passed out in high school. I'm not positive I agree with where this show is pointing on the issue, but I know this: I love being here with these fine people.

As we were taping, a big star named Delta Burke came over from her show on the next stage. Harry Thomason, the producer here, called me over to introduce me to her. He didn't have to do that, and it was incredibly nice of him. I want to say what I've said over and over again. Life is not political. It's personal. Harry and I probably differ on a lot of issues. But he's kind to me, and that's what counts.

Saturday

It's almost Election Day. I sometimes wonder at people who say that voters are angry and they can't understand why. Here are a few reasons:

- Because everyone knows O.J. did it, and everyone knows he'll get off.
- Because the world has women in it who drown their own kids in a lake.
- Because every night's news is about murders and you know the people who did it will get away with it nine times out of ten for one cop-out reason or another.
- Because there's a civil war going on between the criminals and the honest people, and the criminals are winning and the government is not doing a damned thing about it, except taking guns away from people who will never use them in a crime.

That's why people are angry. And what's more:

- Because the public schools have been demolished.
- Because you can't go out shopping anymore without being afraid of being mugged.
- Because your heart is in your mouth when your kid is out of sight for ten minutes.
- Because white collar criminals loot S&Ls and get away with it and we pay.
- Because it seems as if it doesn't pay to obey the laws any more.
- Because family men and women pay to support people who are too irresponsible to keep their families together.

That's why.

And now Ronald Reagan has announced that he has Alzheimer's. In a hand-written letter. Well, that's a perfect, straightforward, honest Reagan touch. What a guy. Gave us back our confidence. Told us for the first time that we would win the Cold War—and we did. Told us we were going to prevail in history, and we did. Whatever he spent on defense, it was a bargain. Whatever deficits he racked up, they were a bargain as well. He got us to stand up to the lie that history was on the side of tyranny. He's the one who will live in history, when the pessimists are long forgotten. I hope he knows how much we all love him. ❐

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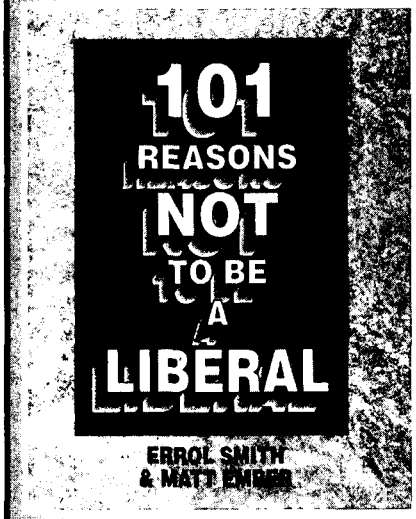

• Reason #2 — Because in the future liberals will be referred to as those people who were wrong about everything.

• Reason #4 — Because it takes too many of them to change a light bulb: one to change the bulb and a staff of hundreds to make sure no one violated the bulb's rights.

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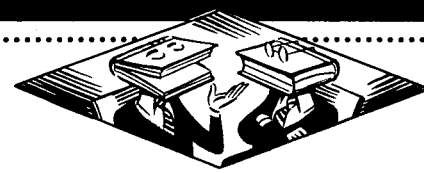

Nixon and Sheehy

by John H. Taylor

Two tenets of Richard Nixon's *Weltanschauung* were that liberals hated to be proved wrong—and that they hated Nixon because he had proved them wrong so often. In his view, it had been his enemies' anger that magnified the spark of Watergate into the wildfire that consumed him.

Even those who believed that Nixon's us-against-them attitude was regrettable conceded the implacability of the Nixon-haters. Alger Hiss's 1950 perjury convictions have been vindicated by recent revelations about links to the Soviets first suggested by Congressman Nixon in 1948. The Cambodian incursion in 1970 and the December bombing in 1972 that provoked massive protests are now seen as having saved many American and South Vietnamese lives. Yet few Nixon critics have made a practice of apologizing for being wrong about these errors, or anything else (although recent biographers Herb Parmet, Jonathan Aitken, and Joan Hoff have weighed his life on its merits).

In fifteen years working for him, many spent handling his press relations, I learned that the old man was right: By and large, the liberal press do hate to admit they're wrong, especially about him. And whether or not they were wrong was often irrelevant since, even if it was established that Nixon had not done what he was accused of, he had to have been guilty of something just as heinous. Watergate validated every previous charge, no matter how indisputably it had been debunked. The main thing Richard Nixon did wrong, in the eyes of his critics, was simply being Richard Nixon.

John H. Taylor, director of the Richard Nixon Library & Birthplace in Yorba Linda, California, was President Nixon's chief aide from 1984 to 1990.

Beginning in the mid-1980s, Nixon began to take an aggressive stance toward errors made about him in the press. We assembled a small file of hard-won letters to the editor and—even more prized—editors' notes, in which newspapers and magazines actually took it upon themselves to plead *mea culpa.* These generally required many letters and phone calls and sometimes a not-so-veiled threat of a libel action by the former president's personal attorney.

This counter-journalism was always hard work. In his 1987 *Waltzing With a Dictator*, former *New York Times* reporter Raymond Bonner accused Nixon of having personally authorized Ferdinand Marcos's declaration of martial law in 1972. The charge received wide publicity when the *Times* published an article about it without giving President Nixon a chance to respond.

Even the *Times*, in a 1972 editorial, had praised Marcos for acting as he had in the face of Communist-inspired unrest. President Nixon would not have disavowed such an action had it occurred. But in fact, the president had neither talked to Marcos nor sent him a message of any kind, and through his staff he called Bonner on it. We pointed out that the White House logs, which listed every telephone conversation he'd had while in office, showed no calls to or from Marcos during the period in question. There was no documentary evidence of such contacts, either. Bonner or his publisher immediately dispatched a pair of researchers to the National Archives to study the Nixon logs.

Our many letters resulted only in a footnote in the paperback edition, acknowledging that the logs did not show the phone calls—but also implying that they had been altered! (Bonner did not speculate as to why Nixon's alleged Secret Log Erasers had deleted conversations with Marcos that no one cared about, while leaving evidence of every meeting or phone call the President had with Bob Haldeman, John Ehrlichman, Chuck Colson, and John Dean.) Vindication finally came two years later when Stanley Karnow, in a pointed reference to Bonner in *In Our Image,* wrote that there was no evidence in the logs of a Nixon-Marcos conversation, and that Marcos had told him in an interview that he had not talked to the president at the time.

Two months after the president's funeral last spring, *Business Week*'s Los Angeles bureau chief, Ron Grover, in an item about a hi-tech trade show at the nearby Reagan Library that drew 2,400 visitors over three days, wrote that "crowds [were] absent" at the Nixon Library, which he called a "snore." Grover had called us to ask about our exhibit schedule, but he didn't ask what our attendance had been, nor did he visit Yorba Linda himself. In fact, although we had no hi-tech trade show, we had 1,723 visitors during the same three days. When I wrote to *Business Week* to complain, the section of my letter pointing out that Grover had not visited the Library or asked us for our attendance figures was removed by his editors before they printed it.

But that was nothing compared to the license taken by Gail Sheehy, *Vanity Fair*'s archivist of celebrity foibles. In an article about California gubernatorial candidate Kathleen Brown, Sheehy described a valentine "60 Minutes" did to the Brown family in January, and said that a "fuming" Nixon had called me the next morning. She wrote,

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"'Can you believe that!' the ex-President reportedly sputtered to . . . Taylor . . . 'Can you *believe* that! They still treat the Browns like royalty.'" (I hadn't talked to Sheehy, because she had not called me.)

President Nixon had indeed called me in January, after, on consecutive days, "60 Minutes" and Anthony Lewis of the *New York Times* had done favorable Brown pieces. Chuckling about this exquisite twofer, he said, "How do you think she pulled *that* off?" He neither fumed and sputtered nor said a single word that Sheehy put in his mouth. At 81, he did not take the Brown family's fortunes that seriously, particularly because he had long before realized that if he had been elected governor of California in 1962, when he was defeated by Kathleen Brown's father Pat, he might never have been elected president. He had spoken and written to the former governor on several occasions and applauded our having had him to the Library two years ago for a discussion about the 1962 election.

The day the president called, I had had lunch with Richard Reeves, who was considering writing a Nixon book. I told him what Nixon had said that morning. After the Sheehy piece appeared, I called Reeves, who said he remembered the story precisely as I did. He quickly said he had repeated it, without the anti-Nixon spin, to journalist Clay Felker over dinner. Felker, of course, is married to Sheehy. "The fuming and sputtering are new to me," Reeves said. "It's totally my fault. I had no idea Gail was doing a piece. I'm very sorry."

Her source had squealed, and as a counter-journalist I had a direct hit. As I wrote to *Vanity Fair* editor Graydon Carter, "That [Reeves] spoke so readily of being the source makes me wonder why [Sheehy] did not attribute the story to him in the piece, but that is between you and her. Maybe she thought 'reportedly' sounded better than 'as Richard Reeves told my husband over dinner.'"

But *Vanity Fair* refused to print my letter unless I agreed to the deletion of this sentence: "If Ms. Sheehy had called me directly and asked about this rather than relying, as she apparently did, on hearsay, I would have gladly told her what President Nixon really said." *Vanity Fair*'s attorney wrote to the Library's attorney (whom I had called in after Carter ignored my own letters), and said that since I had rejected the magazine's "edited version," it would do nothing to redress its snipe at President Nixon. Without that sentence, of course, my letter would have seemed a classic example of a source attempting to clean up after a reckless remark made to a reporter.

Journalists specialize in urging politicians to admit their mistakes, but seldom admit their own. "You are very deft at exposing the idiosyncrasies of public people, their exercises in pride and hubris," I wrote to Sheehy. "And yet when it comes to admitting a small dereliction of your own, your apparatus closes ranks as tightly as Senator Kennedy's press office."

Would Sheehy's reputation have withstood the revelation that she had printed her husband's dinner-table gossip? Undoubtedly. Still, she didn't even bother to write back. Evidently, she felt she didn't have to. ❐

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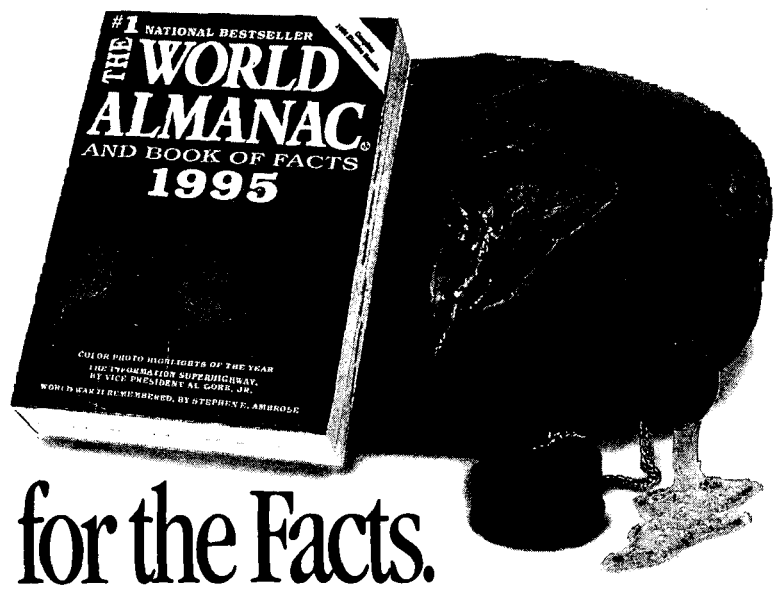

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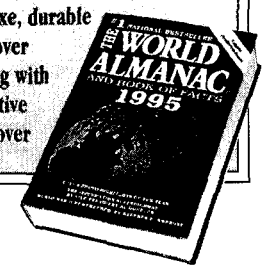

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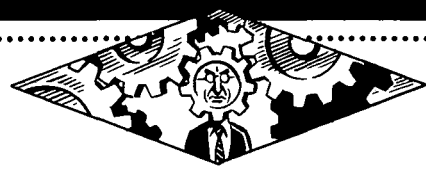

Intelligence, Anyone?

by Michael Ledeen

The Aldrich Ames affair, in which a single KGB mole wrecked as many as a hundred CIA operations and killed off many of our foreign agents, has revealed a great deal about the state of American intelligence. For one thing, it's not hard to lie to our experts, even if they use the over-vaunted polygraph. For those who have followed the demise of America's intelligence services, this is old news; we already knew that in both Cuba and East Germany—prime targets for the CIA's Cold War mission—virtually all of our presumed agents turned out to be double agents of *theirs*. And all of them beat the polygraph.[1]

Instead of going through the hard work of training individuals to ask difficult questions, the CIA placed its confidence in a machine of dubious value. The cost was the lives of many brave agents in enemy countries. A lot of our "understanding" of how the world worked turned out to be disinformation from the double agents, who also managed to get many of our secrets from moles such as Ames. These moles also made it easier for the Soviets to judge whether or not the deceptions were working.

Given the deplorable state of morale in the intelligence community, it's likely that there are other Ameses awaiting discovery. This community has been repeatedly penetrated by a variety of foreign powers, both hostile and friendly. We know about French, Israeli, and Japanese espionage operations in America—some against government agencies, as in the case of Israeli spy Jonathan Pollard, but most against American industry. We have had Chinese, KGB, Czech and Romanian moles. There have been moles in the CIA and DIA, the NSA and the FBI—not to mention the Departments of State and Defense.

Such penetration helps explain the CIA's many failures on the most crucial target of the postwar era: the Soviet empire. The CIA grossly overestimated the health of the Soviet economy, predicting steady growth even as the empire was collapsing. It also overestimated Gorbachev's talents, repeatedly calling him "awesome," and sometimes even "awesomely awesome," even as his regime was disintegrating. Meanwhile, CIA studies underestimated Soviet military spending, which we now know to have been double to quadruple the CIA estimates.

Intelligence failures weren't limited to the Soviet bloc: CIA Arabists failed to read Saddam Hussein accurately before the Gulf conflict. They confidently told President Bush there would be no Iraqi invasion of Kuwait; although defenders of the agency now say publicly that the CIA predicted the invasion, they are being disingenuous. Only one staffer—himself outside the Near East Division—managed to get his dissenting opinion through to the White House, and that despite vigorous agency efforts to throttle him. The NSC went with the official line anyway, and a relaxed and confident General Brent Scowcroft retired at a reasonable hour the night of the invasion. More recently, we've been told we know almost nothing about the new dictator of North Korea, Kim Jong-Il.

It hasn't always been this way. For years, agency officers boasted that the CIA was the only major intelligence service that had *not* been penetrated by its enemies, and they seem to have been right. Intelligence was pretty good in the post–World War II generation, and the intellectual quality at Langley was comparable to that of our best universities. Some of the finest scholars—ranging from Herbert Marcuse to H. Stuart Hughes—served in the intelligence community during the war, and the CIA became a favorite instrument of such elevated intellects as Arthur M. Schlesinger, Jr., who used the agency to further the creation of center-left governments around the world.

It is no accident, therefore, that the agency's problems began about the same time the popular culture went haywire. In the early seventies, it became fashionable to criticize and even ridicule the legendary former chief of counterintelligence, James Jesus Angleton, although there don't seem to have been any penetrations on his watch. The moles that have since been identified burrowed in after his departure. Angleton was purged after CIA Director William Colby gave an explosive scoop to Seymour Hersh of the *New York Times*, revealing that Angleton headed a group that was monitoring selected correspondence between Americans and certain foreign organizations and individuals. This was only one of several extremely damaging revelations in the mid-seventies.

When Jimmy Carter took office he appointed as director Stansfield Turner, who carried the foolish anti-CIA impulses of the time to their illogical conclusion. Embracing the popular conviction that the CIA was one of the root causes of evil in the world, Turner drove several hundred of the most experienced clandestine operatives into early retirement, gutting the agency's covert action capacities, and sending a chilling message to the remain-

[1] For the inability of our intelligence services to catch liars, see also the Cisneros affair, in which a Cabinet nominee lied to the FBI without getting caught.

Michael Ledeen is foreign editor of The American Spectator *and a resident scholar at the American Enterprise Institute.*

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ing spies. By the time William Casey took over, the place was in bad shape.

Casey's attitude toward the agency was revealed by a conversation he had with Vladimir Bukovsky, the great Soviet dissident. Bukovsky had come to him with a proposal for some nasty deed aimed against the USSR. "It's just great," Casey told him, "but let me give you some advice: don't tell anyone in the CIA about it; they'll screw it up." Casey kept operations to a minimum, except in the rare cases when he was able to assign them to someone he liked and trusted.

He also hired outsiders to ride herd on the dispirited bureaucrats and make political assessments independent of the agency's staffers. It was these outsiders—working with other free spirits in the NSC, the Pentagon, and the State Department—that concluded the Soviet Union was in a profound crisis, a judgment Ronald Reagan used to announce that the end of the Soviet Empire was at hand. And it was Casey himself, again running counter to the conclusions of his professional analysts, who predicted that Yuri Andropov would succeed Leonid Brezhnev.

In many ways, Casey's management technique was similar to that of both Kissinger and Baker at the State Department: Put the bureaucracy to work on less important tasks, and handle major matters in the inner sanctum. The popularity of the method testifies to how overstaffed such bureaucracies become. Why pay tens of thousands of people, when policy can be conducted by a small circle? But the drawback of this approach is that the bureaucrats are left to fester, and inevitably form a kind of syndicate of mediocrity, in which their corporate survival instincts overshadow the immediate intelligence tasks set for them by the administration.

Such would have been the temptation at the CIA after the siege to which it had been subjected—a feeling undoubtedly reinforced under Casey. Neither of his immediate successors—William Webster and Robert Gates—improved matters, leaving James Woolsey with an unenviable task. The inward-looking culture of the agency's upper levels was so entrenched that within weeks of the reprimands that followed in the wake of the Ames affair, one person involved received an award from his superiors. The oversight was quickly corrected by Woolsey, who drove these bosses out of the Agency.

Against this background, the Ames affair appears to have been inevitable. Soon we will hear a chorus wondering whether the agency can be healed, or whether, as Senator Daniel Patrick Moynihan has suggested, it is time for us to pull the plug on Langley. Just a few years ago, such a question would have been ridiculous. Since the agency is beset by general confusion, however, the matter requires a serious response.

The driving force behind the creation of the agency remains valid: We don't want unpleasant and possibly fatal surprises. Moynihan believes information about enemies' intentions can be gathered by the Department of State, but this is incorrect. High-ranking officials in enemy countries are not so foolish to be seen talking to our diplomats; they require secret methods of communication, so that their treason cannot be demonstrated, or even guessed at.

Sometimes they will act out of conviction, but more often their good intentions require support from less spiritual sources—like money, friendship, sex, safety for family members, and so forth. These can hardly be provided by the State Department.

The United States also needs the capacity to act at a level of power somewhere between talking and waging war. Our words are no longer as menacing as they once were—especially under President Clinton—and thus will need to be backed up more often with power. But the Armed Forces are large, blunt instruments, often too cumbersome for the tasks at hand. Haiti is a good example. Instead of placing 15,000 soldiers officially and very visibly at risk, we would have been better off to have organized a seizure of power from within, led by people known to be relatively democratic, pro-American, and rational. Such a project requires years of advance work, entailing intimate friendships between our people and local military leaders. It also requires the ability to keep secrets, which may be beyond the capacity of the American government.

The CIA is also needed to ferret out the deepest secrets of our enemies. Some of this can be done with technology, but instruments cannot measure will and intention—the two crucial data. Until a machine exists that can measure human will from outer space, we're going to need spies. And we're going to have to be very patient with them overseas when they are quite young, let them grow up in the target countries, and hope that when they grow up, one or another of their friends will achieve high rank in the government, thereby giving us access. We once had this sort of access in friendly countries; a generation of CIA officers grew up with the European leaders who took over after the passage of the immediate postwar generation. Once the American friends of the Adenauers, De Gasperis, and other leaders of Europe were purged by Stansfield Turner—and by the time the European wheel turned once more in the early eighties—we were very badly placed. No one had cultivated the new breed of European Socialists, and the likes of Bettino Craxi in Italy and Felipe Gonzales in Spain were virtually unknown.

All the handwringing over the Ames Affair, then, is largely beside the point. One may disagree with Woolsey's decision to issue reprimands in its aftermath, rather than initiate a purge, but what ails the CIA can't be cured by a quick massacre. The agency needs a thorough restructuring. Woolsey has recognized that the CIA's culture must change, and if his call for a massive overhaul is approved, large-scale personnel turnover will automatically ensue. It is obviously impossible to create a new culture at the CIA while the leadership that sowed the seeds of the Ames disaster remains in place. ❐

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Back to *Bakke*

by Terry Eastland

In the spirit of the president who feels our pain, put on the shoes of one Cheryl Hopwood, perhaps destined to become a famous name in American constitutional law. Hopwood, a certified public accountant, applied for admission to the University of Texas School of Law in 1992. Four years earlier she had earned a degree in accounting from California State University. She had a 3.8 grade point average and a score of 39 on the Law School Admissions Test. Her Texas Index (TI)—a composite number based on an applicant's GPA and LSAT score that chiefly decides an applicant's fate, providing one is white—was a very good 199.

But Hopwood, who is white, was denied admission. She—and three other in-state white applicants who also were turned down, and who each had an index of 197—sued in federal court. They charged that the school had discriminated against them by admitting less qualified blacks and Mexican-Americans through a quota system, in violation of the Fourteenth Amendment and Title VI of the Civil Rights Act. In late August, District Judge Sam Sparks—a George Bush appointee—ruled that the law school had indeed violated the Constitution. UT Law had not used "an illegal quota," he said, but its admissions procedure was flawed because it "use[d] the color of an applicant's skin to limit" to a significant degree the plaintiffs' prospects for admission.

Sparks, however, refused to order the plaintiffs' admission, maintaining that they could not prove what their lawyers agreed would have been virtually impossible to prove—that they would have been admitted but for the unlawful admissions procedure. You can reapply, he said, and without having to pay the application fee ($50). Title VI damages, you ask? Sparks awarded the nominal amount of a single dollar; no real injury, he explained, and besides, the law school intended you people no harm.

This is *Hopwood* v. *Texas*, the first reported case addressing the merits of racial discrimination in student admissions since the Supreme Court decided *Regents of the University of California* v. *Bakke* in 1978. Cheryl Hopwood and her co-plaintiffs are appealing the decision, and the case could wind up in the Supreme Court. Certainly it, or one like it, should: Sparks relied heavily on Justice Lewis Powell's opinion in *Bakke,* but as the evidence in *Hopwood* shows, Powell's opinion cannot sustain affirmative action admissions policies as they in fact are practiced. *Bakke* is a decision the court must revisit.

At issue in that historic case was the admissions procedure of the University of California at Davis medical school. Non-minorities competed for 84 slots in each class of 100; minorities for the remaining 16. One committee evaluated non-minority applicants, another the minority hopefuls. Justice Powell said that schools may not have a separate committee passing on minorities, and that they must have a single committee passing on everyone; and that they may not have quota, but may take race into account in what he evidently thought would be a very limited manner.

Having maintained, consistent with *Bakke*, a unitary admissions process since 1978, UT Law School backslid in 1991, creating a separate committee to review minority applicants and recommend enough for admission so that the proportion of accepted blacks and Mexican-Americans (the state's two largest minority groups) reflected their graduation rates from Texas universities and colleges. This meant each class was to be 5 percent black and 10 percent Mexican-American.

At first calling the *Hopwood* complaint frivolous, UT Law before trial did away with the separate committee, thus conforming its admissions process to Powell's opinion. This did not spare the school from Sparks's adverse judgment—after all, it was the admissions system begun in 1991 that the *Hopwood* plaintiffs complained about—but the school has merely lost a battle while winning, at least in district court, the war.

Terry Eastland is editor of Forbes MediaCritic *and a fellow at the Ethics and Public Policy Center. He is co-author of* Counting by Race *(1979).*

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Operating a single admissions committee, UT Law still will be quite able to discriminate in favor of applicants who are black and Mexican-American and against those who are neither. It will be able to do this in enough instances to reach the 5 and 10 percent levels—what Judge Sparks agreed were not quotas but simply "aspirations." It is Powell's *Bakke* opinion that makes this possible.

In *Bakke,* four justices said that Title VI of the Civil Rights Act proscribes the use of race in an admissions program. Four other justices said that the Fourteenth Amendment permits race to be the *decisive* consideration in such a program. The ninth justice, Powell, said that no, under the Constitution race can't be the decisive factor, but for the sake of campus "diversity" it may be a consideration. Leave aside the dubious assumption that mere minority status helps create a learning atmosphere, in Powell's words, of "speculation, expression, and creation." Instead, observe what the justice evidently believed: that meaningful affirmative action requires taking race into account just a little bit—a mere "plus" that may "tip the balance" in a minority applicant's favor, as he put it.

As I argued fifteen years ago in *Counting by Race*, Powell's view of affirmative action in professional and graduate education was far removed from the real world. The facts in *Hopwood* show that it still is. Consider the Texas Indexes of resident applicants in 1992 (by law, 85 percent of each class must be from the state). While 372 resident white applicants had TIs of 199 or above—a score that placed a white applicant in the presumptively admitted group—only 11 resident Mexican-Americans had TIs at that level or above, and only one resident black applicant had a TI of even 199. Thus, had the law school held black and Mexican-American applicants to the same standards as it did white hopefuls, just 12 resident minority applicants would have been placed in the presumptive admission category—where Cheryl Hopwood was placed. Establishing 192 as the score for presumptively rejecting white applicants, the law school placed those whites with TIs between 193 and 198 in a discretionary zone where they were subject to further review. Had the school applied the same standards without regard to race, the 20 resident black and Mexican-American applicants with TIs between 193 and 198 would have been placed in this middle group, where the chances for admission were about one in two.

That is, in order to admit the 96 resident blacks and Mexican-Americans it did in 1992, UT Law had to do more than merely give a plus (which in fact it did) to all such applicants in the discretionary zone. Specifically, it had to make race an important consideration in probably most of the remaining 64 minority grants of admission to resident blacks and Mexican-Americans. It is hard to see how race in most of these decisions can be called anything but the *decisive* consideration.

"The Court agrees with the plaintiffs that [there is] a significant disparity in TIs between minority and non-minority pools," wrote Judge Sparks. This gap exists with respect not just to resident but also non-resident applicants—in 1992, of all blacks in the country who took the LSAT, 88 scored higher than the median for whites admitted to the Texas law school; of all Mexican-Americans in the country who took the test, 52 scored higher than the UT median for whites. The unhappy news is that the gap appears unlikely to narrow anytime soon. The gap existed at the time of *Bakke* and indeed well before it, and has persisted without much change since that decision. Similar gaps are found in the applicant pools for other professional and graduate education.

To admit substantial numbers of minorities in professional and graduate schools, race, contrary to what Powell famously wrote in *Bakke,* must be not *a* but *the decisive* consideration in most minority admissions decisions. And what this often will mean is that some lower-scoring but privileged minorities—sons and daughters of professionals in upper-income brackets who attended the best undergraduate schools—will be chosen over higher-scoring but less privileged applicants who lack the necessary race. Hopwood herself is a case in point; from a working-class background, she attended a junior college before enrolling in a senior college, and worked twenty to thirty hours a week to help put herself through school.

In *Bakke*, Powell also indicated his belief that the Constitution permits only temporary affirmative action. Sixteen years after *Bakke, Hopwood* raises the question of how long "temporary" is, even as it suggests, given the "significant disparity" problem, that affirmative action must be employed for a very long time.

These facts about affirmative action and its longevity in professional and graduate education are ones that the Supreme Court eventually must confront. If the court does so, say in *Hopwood,* it is hard to see how *Bakke* can survive as good law. What might replace it? Judge Sparks dismissed as "simplistic" the race-neutral argument originally advanced by the plaintiffs in his court, but the Fourteenth Amendment's original meaning undoubtedly would be argued in briefs and, one must hope, addressed by the Supreme Court in a case like *Hopwood.* And if the court says our fundamental law is not colorblind, the time will have arrived to propose a new constitutional amendment. ❐

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Monstrosities

by James Bowman

Filmmakers in the 1990s suffer from what eighteenth-century poets and critics called "belatedness." Just as it was thought that the great poets of the past had already said everything of any importance there was to say, so all the movies have already been made. All that remains is for the epigoni of a more decadent age feebly to imitate their mighty predecessors and pay them due homage. That is why, although November saw the opening of two new versions of classic horror films, ***Mary Shelley's Frankenstein*** by Kenneth Branagh and ***Interview With the Vampire*** by Neil Jordan, I doubt that many of those who watched them were paralyzed with terror. Breaking taboos, crossing the line into the forbidden zone, and daring the wrath of God are already taken for granted before the opening titles roll. So when is the scary part?

Both directors are reduced to tinkering at the margins of their subject in order to sustain the audience's interest—an extraordinary state of affairs, when you think about it, considering that the subjects are obtaining God-like power over life and death, and the lives and lore of the undead, respectively. Sexual taboos—incest in Branagh's case and homosexuality and AIDS in Jordan's—are added to freshen up the old stories and to re-create something of that lost frisson of horror at the curse of God. It doesn't work in either case, but Branagh's is the more lamentable failure of the two, since the incest theme seems quite gratuitous.

Branagh himself in the role of the handsome young Dr. Victor Frankenstein is besotted with his mother (Cherie Lunghi), whose death in childbirth inspires him to try to conquer death, and engaged to his adoptive sister Elizabeth (Helena Bonham Carter). Portentous conjunctions of the labels that describe their confused attachment—"sister, friend, lover, wife"—abound for no obvious reason. More understandable are the Oedipal suggestions of the wrestling match between the shirtless doctor and the naked monster (Robert DeNiro) at the latter's birth in a lap pool of amniotic fluid. Throughout the film, Branagh wants to place unnatural and forbidden things just out of reach, just behind the glittering surface of life of these beautiful people. It should all add up to a portrait of the modern Prometheus, a hero who overreaches and whose destruction is a moral object lesson. But Branagh isn't him. There is too much puppy-dog likability about him, not enough of the sense of danger and fatal ambition.

But the worst problem is with the monster, who is too humanized. He has feelings. He plays the flute. He is a complex character. As Janet Maslin says, this "esthetically challenged loner with a father who rejected him, would make a dandy guest on any daytime television talk show." Ultimately, how we know that the taboos are no longer operative, or even very interesting, is that their violation has produced nothing more than this banality. All the creature asks of its creator is a grotesque monster-domesticity, "someone like me. A companion, a female like me, so she won't hate me." Well heck, doc, what's the problem? Why not just rustle him up a little wifey and let the two of them settle down to produce baby monsters in a cottage on your ample Swiss estate?

It is never in the least made clear why he should have preferred the annihilation of himself and his entire family to this sensible expedient. Maybe it's just that this kinky doctor's idea of playing God means forbidding love. There is a recurrence of the incest theme at the end with the death and reanimation of the sister-wife, Elizabeth. For a moment there is even a certain satisfying grotesquerie about the competition between monster and maker, between father and son (as it were), for the hand of the now monstrous Elizabeth; but the apocalyptic ending in the latter's self-immolation once again seems way out of proportion to the very down-to-earth human feelings of all the principals. There must be, we are left to think, some way they all could have talked it over and worked it out in civilized fashion.

Neil Jordan is a bit more successful in conveying the sense of sex and danger in *Interview with the Vampire*. The mixture of homoeroticism, blood, and death inevitably suggests AIDS, and the contrast between the cruel and remorseless Lestat (Tom Cruise) and the gentler, conscience-stricken Louis (Brad Pitt) at times begins to look like an allegorical representation of the contrasting approaches in the gay politics of AIDS. But ultimately this serious theme is overwhelmed by the vampire trappings. Jordan has a good time playing with his belatedness. He goes through the properties warehouse of cinematic vampirism, explaining that all that stuff about garlic and crosses and stakes through the heart was superstition, whereas what they say about coffins and sunlight and blood sucking is perfectly true. Count Dracula and the Transylvanian schtick is all "fictions, vulgar fictions," but vampire camp straight out of the films of the 1930s to 1960s is still available as required.

This is the stuff of cinematic post-

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modernism: Jordan knows we know it's fake, and that we've seen versions of it before, so he can just concentrate on inventing a theology of vampirism—the sort of thing that certain kinds of sensibilities enjoy—and producing special effects and striking images. In decadent Paris of the late nineteenth century, for example, we attend the Théâtre des Vampires, run by Armand (Antonio Banderas), the king of vampire campiness—complete with opera capes and dim chapels and a cast of, well, forty or so. Louis and his young vampire-ward, Claudia (Kirsten Dunst), attend the performance, watching the jaded Parisians watching their fellow bloodsuckers. "Vampires pretending to be human pretending to be vampires," says Claudia. "How avant-garde!"

Here the belated have an original idea—to give the vampire a conscience—but it turns out to be a bad one. What is the use of being a vampire if you don't like killing people? Louis's delicate sensibilities render him absurd. He is like a vegetarian tiger: at best a curiosity and at worst a death to credibility. Admittedly, the people who make and watch vampire movies are likely not to be so worried as the rest of us about matters of credibility in the first place, but the humanization of the monster brings up another version of the Frankenstein problem. For if the undead have feelings too, just like you and me, all the Grand Guignol effects associated with being undead begin to seem pretty gratuitous. We rather sympathize with Lestat at the end when he listens to the tape that the journalist, Mallory (Christian Slater), has made of Louis's life story and says: "Ah, Louis, Louis! Still whining! I've had to listen to that for centuries." It's time he got *used* to being a damn vampire, for pity's sake!

It's not as if a determined postmodernist director *cannot* come up with an original idea for a monster flick with a sexual subtext. Luc Besson has done so in his first American picture, our dark horse Movie of the Month, ***The Professional***. This film has been much criticized for lack of realism and use of cinematic clichés by those who are under a misapprehension about what it is trying to do. This kind of postmodernism, also to be seen in Besson's international hit of 1990, *La Femme Nikita*, is a deliberate thumbing of the nose at realism. It sets out to achieve its effects by the creative use of cliché.

The bent DEA agent Stansfield (Gary Oldman) is one such cliché, as is the fact that he is made movie-frightening by popping pills, cracking his neck and listening to classical music before killing. We have seen such things before, as we have the reminiscence of the moment in the original *Frankenstein* where a monster confronts human innocence in the form of a little girl. Nevertheless, we also know that it is not the same. In this case the monster is a contract killer called Leon (Jean Reno) whose dedication to his profession is so complete that he himself seems quite incomplete as a human being. He cannot read, can hardly talk, and lives a solitary, monastic existence in a dirty walk-up apartment in New York. He only goes out to kill at the command of a clichéd mobster naturally called Tony (Danny Aiello), or to train for killing or to watch Gene Kelly movies.

The little girl who wanders into the monster's toils is Mathilda (Natalie Portman), a 12-year-old neighbor. But she is not the same either. Her innocence, like that of so many kids these days, is of a particularly knowing kind. Her father beats her, her mother is gone, and her stepmother and sister hate her. "Is life always this tough, or just when you're a kid?" she asks the pathologically uncommunicative Leon when she meets him on the stair one day. Astonished to be asked, he wrestles with his tongue to reply: "Always thees way." Then life gets a whole lot tougher. Stansfield wipes out her entire family because her pig of a father tried to cheat him on a drug deal. She herself is sure to be killed until Leon, whose only rule in killing people is "no women, no kids," takes her in with the utmost reluctance.

Now the interplay of innocence and experience becomes *really* complicated. "What do you do, Leon?" she asks him.

"A cleaner," he replies.

"You mean a hit man?" she asks, instantly calling on her knowledge of the lingo of TV and cinematic gangland.

"Yeah," he says, surprised.

"Cool," she replies. The next day she informs him, "I've decided what to do with my life. I am going to be a cleaner." She wants him to teach her how. In effect, the innocent meets the monster and asks him: "Teach me to be a monster." This seems to me a brilliant artistic response to the monster theme for the TV age.

Leon refuses, but she persists, trying to get him to see the two of them as a team—"like Bonnie and Clyde or Thelma and Louise. They were the best." She will do "anything" for him, she says—clean or cook or wash his clothes—if he will only teach her. The contrast between her media sophistication (in a game of charades he knows none of her most obvious pop-cultural references except Gene Kelly) and her real-life innocence makes her into his mirror image. And the sense of his innocence is reinforced when she offers to teach him how to read. Cutting across these images are the sexual overtones—which, though they are at times disturbingly suggestive of kiddie porn, are an essential feature of the film. The pivotal scene takes place on the first night Mathilda is staying in his apartment. Leon walks into the bedroom where she is sleeping with his gun and silencer. Killing her would be consistent with his life. It is the only way he knows to deal with the problems posed for him by other people. He points the gun at her and then walks away.

That moment of self-restraint, with its sexual subtext, is the beginning of his humanization, a process that is never taken for granted (or completed) as it is in *Frankenstein* and *Vampire*. In the same way, her decision to go kill the evil Stansfield and its consequences are the beginning of her discovery of the difference between movies and real life. Leon is a kind of magician or shaman who provides her with a way into the world of Bonnie and Clyde and Thelma and Louise without even knowing, himself, who these people are. And when he is gone, so is her childish fantasy life. Tony greets her proposal that she work for him (and follow in her beloved monster's footsteps) by saying: "I ain't got no job for a 12-year-old kid! It's over! The game's over!" It is an audacious thing for a director to have a character say while his own game with the audience is still going on. But audacity is what it takes to break out of our thralldom to the images of the past. ❐

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Alarm Bell

THE BELL CURVE: INTELLIGENCE AND CLASS STRUCTURE IN AMERICAN LIFE
by Richard J. Herrnstein and Charles Murray

The Free Press / 845 pages / $30

reviewed by CHRISTOPHER CALDWELL

The great challenge to the modern period, and its peculiar danger, has been that in it man for the first time confronted man without the protection of differing circumstances and conditions. And it has been precisely this new concept of equality that has made modern race relations so difficult, for there we deal with natural differences which by no possible and conceivable change of conditions can become less conspicuous. —Hannah Arendt

Here is the central argument of *The Bell Curve*: Intelligence is important to success, and emerging technologies and global trade make brainpower more important today than ever. Society's institutions—universities, businesses, government—are selecting the brain-workers they need with increasing accuracy, and compensating them with increasing largesse. The probable results: a growing identification of native intelligence with socioeconomic standing, a widening gap between rich and poor, and a stratification of America into intellectual castes, with a few hi-tech communications wizards living in privately policed suburbs and a horde of unskilled Calibans trapped in rotting cities and rural areas. It's ironic, then, that the late Harvard professor Richard Herrnstein and American Enterprise Institute scholar Charles Murray should have become the focus of the most vituperative debate over a book in a generation.

For this argument is not new. In *The Work of Nations* (1991), now-Labor Secretary Robert Reich foresaw a gargantuan program of "positive economic nationalism" as necessary to heal the economic rift between well-compensated "symbolic analysts" (brain-workers) and the latter-day lumpenproletariat left behind in the "old economy." Mickey Kaus's *The End of Equality* (1991) was devoted to formulating a program of "civic liberalism" to prevent widening money inequality, which he saw as both inevitable and linked to intelligence, from creating widening social inequalities. Kaus—who even used Herrnstein's controversial assertion that social status was inherited genetically as a trellis on which to garland many of his book's central arguments—has called Herrnstein and Murray's book not merely "dishonest" but "repellent."

While Kaus and Reich have been among the few American political commentators to consistently and proudly describe themselves as "liberal" over the last half-decade, the anger over *The Bell Curve* was not limited to the center and left. Pat Buchanan called its emphasis misplaced, and both John McLaughlin and Jack Kemp trashed it as "pseudoscientific." When the *New Republic* opened its pages to Murray and two dozen social critics, the latter were unanimous in their disapproval, save a few who wrote away from the argument as fast as they could. None addressed the book's science directly.

Why was what was okay for Reich and Kaus to say an outrage for Herrnstein and Murray? The answer, as anyone who has followed the controversy knows, is a second conclusion of *The Bell Curve*: that the intellectual stratification described above has a racial dimension. There are measurable intelligence differences between the races that education can narrow only slightly, if at all. The lumpen class the authors envision will be disproportionately black, while there will be more whites and Asians among the symbolic analysts.

But this is not really news, either. Herrnstein received some warm reviews for *Crime and Human Nature*, in which he and co-author James Q. Wilson drew many of the same kinds of IQ/behavior correlations that this book does. Daniel Seligman addressed the racial IQ difference in *A Question of Intelligence* (1992) and was all but ignored. Furthermore, the existence of a differential between white and black scores is a datum that not even Herrnstein and Murray's sharpest critics dispute. (The dispute is over how well those scores reflect intelligence.) The outrage over *The Bell Curve* has more to do with the way its arguments meshed together, the longtime political preoccupations of its authors (particularly Murray), and the state of race relations—which are more fractious today than they were even three years ago when Kaus and Reich were writing. November's electoral blowout and a bevy of polling data show that Americans have finally lost patience with the largely black

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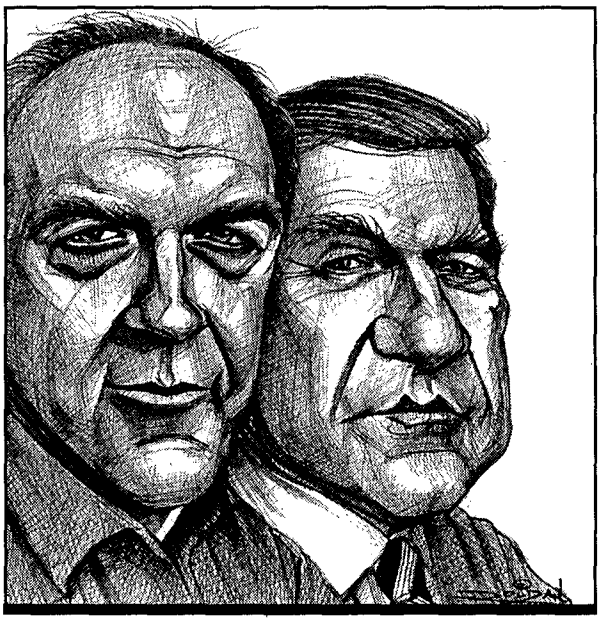
urban underclass and with the government social programs that many blame for its existence. Anger and defensiveness are sure to greet a book that sees such impatience as well-founded, or further undermines the rationale for those programs. And this book does both.

Herrnstein and Murray start with some general propositions about intelligence. The journalistic consensus that IQ describes nothing real or important is diametrically opposed to the consensus in the scientific world, the authors show. Herrnstein and Murray assert the "classical" understanding of intelligence, which commands majority agreement among psychometricians. First, there is such a thing as "general intelligence" (or *g*), which is more than just a multiplicity of intellectual skills. For both academic and occupational success, *g* is highly predictive—more predictive, in fact, than interviews, transcripts, personal recommendations, or tests that purport to identify specific job skills. It remains more or less constant throughout a subject's life.

Second, *g* is measured accurately by IQ tests, which, as administered today, are not demonstrably biased against ethnic groups. What skepticism exists towards *g* is an artifact of politics, not of science—although the authors freely admit that political worries over intelligence testing, given the excesses of the early-twentieth-century eugenics movement, are not misplaced. Finally, IQ is largely passed on from parents to children, with a genetic component ranging somewhere between 40 and 80 percent. Such conclusions have been drawn through intelligence tests of identical twins reared apart, which on a scale of -1 to +1 show the extraordinarily high correlation of +.78.



The authors make an important distinction at the outset: intelligence is not an all-determining factor for any given individual, but predictable behavioral patterns emerge *when one studies IQ across large population groups*. Such a group has been made available by the National Longitudinal Survey of Youth, a federally funded study of 12,686 students who were age 14 to 22 in 1979, and have been followed ever since. The authors rely heavily on this study, which records IQ, socioeconomic status, occupation, income level, criminal behavior, and other traits—and they cross-reference dozens of other studies done this century.

When one charts people along an axis by intelligence, the resulting distribution is the "bell curve" that gives its name to this book: the vast majority of people stacking in the middle range, with two slopes of significantly dumber and significantly smarter people leading to respective far edges of geniuses and mental defectives. Using "standard deviation"—a measurement of probability—Murray and Herrnstein separate this curve into five groups, determined by IQ percentile: very dull (0-5), dull (5-25), normal (25-75), bright (75-95), and very bright (95-100). It is among the very few people at respective ends that the predictive power of IQ becomes problematic for policy. For IQ has momentous implications for a whole range of behaviors, including many traits that would seem to have little to do, prima facie, with intellect.

Starting at the smart end, Herrnstein and Murray supply a statistical backbone to the Kaus thesis that American society is being pulled centrifugally into castes by intellect. This is happening most notably at universities. A rise in (a) meritocratic admissions, (b) the ability of standardized tests to measure intelligence, and (c) the sheer volume of applications for the fixed number of places in elite universities, led sometime in the 1950s to a revolution in who went there. In the 1920s, few Americans from any walk of life went to college, and, as the authors put it, "the valedictorian in Kalamazoo and the Kansas farm girl with an IQ of 140 might not even be going to college at all." Today, with about half the country going to college, elite schools suck the intelligent out of every nook and cranny in every neighborhood in the country. (Not incidentally for the authors' purposes, one can see what has happened to all the "role models" whose absence from the inner city the sociologist William Julius Wilson finds so destructive in *The Truly Disadvantaged*.) The average Ivy League student in 1926 had an IQ among the top fifth of Americans. By the 1960s, these forces left the average Ivy Leaguer in the top *hundredth*.

This sorting continues in the job market, where this elite is steered increasingly into a narrow range of high-intellect professions, where IQ averages 117. Herrnstein and Murray give the best explanation yet of how IQ translates into productivity, doing a mathematical calculation to show that the difference between the average dentist and a superior one is $30,000 a year, while the difference between the average secretary and a superior one is only $750. They thus explain how the intellectual elite becomes a financial elite as well.

At the other end of this bell curve, intelligence is decisive for a lot more than the doling out of society's goodies. The major counterintuitive insight here is that not only the poor but also the violent, the dishonest, and the irresponsible are disproportionately bunched at the stupider end of the curve. The biggest chunk of the book focuses on IQ's impact on social behavior—specifically, on such social problems as crime, welfare dependency, and family breakup. This section does two interesting things that lend real power and credibility to its conclusions: it limits the analysis to white Americans, removing whatever effects of racism still

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exist to skew the results; and it controls for such variables as socioeconomic status and education, filtering out other factors to leave a raw relationship of IQ *alone* to these problems.

Many of these observations are commonsensical almost to the point of redundancy: higher-IQ people tend to have lower dropout rates, more years of schooling, lower rates of poverty. But the persistence of the link, in areas that would intuitively seem only marginally related to intelligence, is news. In determining the likelihood of being in poverty, of being out of the work force for a month, of getting divorced within the first five years of marriage, of bearing a child out of wedlock, of having a low-birthweight baby, IQ is a better predictor than socioeconomic status—and on all of these measures high-IQ individuals score better than low-IQ ones. Moving up the social ladder, in fact, can be a mixed blessing: with IQ held constant, self-reported criminality *rises* with socioeconomic status. So does job idleness, while the likelihood of embracing "middle-class values" *falls*.

Under almost any behavioral rubric, the authors state, if one could choose between privilege and brains, the right choice would always be brains. This carries two unstated implications that will resonate in the rest of the authors' argument: First, intelligence may not be decisive for success in life, but if it isn't, then being "privileged" or "underprivileged" is even less decisive. Second, if IQ measures something other than "general intelligence," then whatever that something is is formidably important.

As Herrnstein and Murray cover the subject of crime and civility, we begin to hear the apocalyptic strain that has certainly been overstressed in reviews but exists in the book nonetheless:

> As crime grows, society must substitute coercion for cooperation. The first casualty is not just freedom but the bonds that make community life attractive. . . . Too little attention has been given to one of the best documented relationships in the study of crime: As a group, criminals are below average in intelligence.
>
> . . ."Civil"-ized people do not need to be tightly constrained by laws or closely monitored by the organs of state. Lacking such civility, they do, and society must over time become much less free. . . . A smarter population is more likely to be, and more capable of being made into, a civil citizenry. For a nation predicated on a high level of individual autonomy, this is a fact worth knowing.

Herrnstein and Murray thus reveal the dead-earnestness of their preoccupation: low intelligence is a threat not just to the quality of life in this country, but to the viability of the United States as a free nation.

This would seem the least diplomatic moment for the authors to bring race into their discussion, but given that the "national context" they will be describing has a major racial element (and that any solutions to the social problems described would certainly affect some races more than others), they broach it here.

As a starting point, the authors reproduce average racial IQ scores: Whites' average IQ is about 101-102. Asians' is a few points higher (the authors estimate 3 or 4). Jews of European descent, when extracted from the white control group, score about a standard deviation (or 15 points) above it. Blacks, according to the NLSY and literally dozens of psychometric studies, score about 85; in fact, they have scored lower than whites on "every known test of cognitive ability that meets basic psychometric standards of reliability and validity."

The authors do not announce this news with glee. On the contrary, it is here that the first note of hedging and conciliation creeps in, as they try to gloss over the gravity of the experimental data: "The facts are not as alarming as many people seem to fear . . ." they write. "It is possible to face all the facts on ethnic and race differences in intelligence and not run screaming from the room." This is nonsense: if true, the statistics are disorienting beyond one's worst fears. If the 1.2-standard-deviation gap that shows up in the NLSY holds water, this would mean that the average white is at the 91st percentile of black intelligence, while the average black falls at the 11th percentile of whites'. If you narrow down the groups further (as the authors don't), you get even more dizzying results: The average Ashkenazi Jew would be around the *98th* percentile of black intelligence; the average black at the *2nd* percentile of Jews'. The authors see a silver lining in the fact that that would still leave 100,000 blacks in the country with IQs over 125—that is, in the authors' "very bright" class. Given that the black population of the U.S. is over 30 million, that would leave society with the depressing prospect of little more than a Talented Three-Hundredth.

Herrnstein and Murray accept the prevailing academic view that these IQ differences are largely genetic. They acknowledge that the jury is still out on the issue, yet they assemble evidence against the competing "environmentalist" argument with a thoroughness verging on obsession. How could they do otherwise? Unless one is willing to argue this point to the end, one risks being accused of frivolity.

The evidence of a genetic explanation includes the twin studies mentioned earlier, which show a .78 correlation between the intelligences of identical twins reared apart—its implications cannot be expected to disappear just because one is discussing race. The authors also show that intelligence testing as administered today has been cleared of internal bias (questions on which certain races score disproportionately poorly) and external bias (tests that predict intelligence less reliably for certain groups).

The authors use two types of test that are free of cultural bias. They note that blacks do just as well as whites at repeating strings of digits, but far less well at repeating such strings backwards. (This test has been shown to predict *g* remarkably well; if bias does not affect the abilities of blacks counting forward, why should it affect their abilities counting backwards?) Finally, they cite button-pressing tests of mental reaction time, on which blacks register significantly slower.

Many of Herrnstein and Murray's critics argue that we cannot finally know whether such a difference exists until we have discovered the actual genes that determine intelligence. There is a good-faith way of raising this objection and a bad-faith way, for we *will* begin to know the genes that determine intelligence with the completion of the Human Genome Project in a decade's time. Before then, studies of the brain itself

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will be able to measure mental reaction times with sufficient accuracy to resolve these ambiguities.

Herrnstein and Murray then review the long track record of efforts to boost IQ environmentally, such as Head Start, and find them wanting. Certain extraordinarily expensive (and extraordinarily intrusive) programs have succeeded in raising the IQ scores of the underprivileged by a handful of points. But the effects "fade out" as years pass, and adult IQ reverts to childhood IQ. The authors say that it doesn't really matter whether the difference is genetic or environmental, as long as it's persistent. Maybe it doesn't matter much for policy, but it matters a great deal for politics: If the most often adduced factor—racism—turns out to be the culprit, then the right solutions are the ones we're already trying.

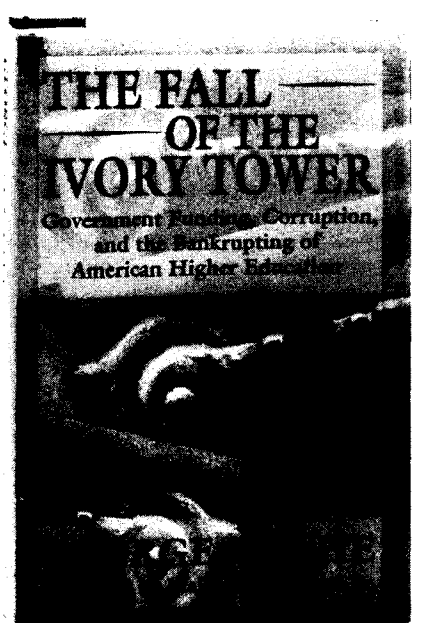
In a world where everyone was judged as an individual, none of this would matter much. A black physicist with an IQ of 140 is still a black physicist with an IQ of 140, no matter what the distribution of smarts across races. But over the last thirty years, society has been increasingly organized to favor racial rights over individual rights, and a share of our national wealth that dwarfs the S&L bailout (according to a February 1993 *Forbes* article) has been spent to reshape (and often misshape) pre-existing social institutions in order that the revolution in race-based rights might go forward. Consistent majorities of Americans now judge such explicitly racial programs as affirmative action, and such implicitly racial ones as AFDC, as failures. Since Murray has been among the leading such naysayers, it's only natural that he and Herrnstein should seek a reason for that failure in the assumptions about groups on which the programs are based.

The authors hold that huge interracial differences in conditions, achievement, and social behavior—which have been presented by liberal social scientists as prima facie evidence of racism—become far less mystifying, if no less serious, when intelligence is factored in:

- The gap in the average wage of whites ($27,372) and blacks ($20,994), for instance, is 23 percent. But whites and blacks of average intelligence (100 IQ) earn $25,546 and $25,001 respectively, for a gap of 2 percent.
- The poverty rate for whites is 7 percent, for blacks, 26 percent; for whites and blacks of average intelligence the figures are 6 percent and 11 percent.
- The rate of incarceration is 2 percent for whites, 6 percent for Latinos, 13 percent for blacks; among those of average intelligence, it is 2, 3, and 5 percent respectively.

The authors are not claiming that many blacks do not live in unconscionable misery—only that the programs to alleviate that misery are based on faulty assumptions. Most dramatic are those figures where what appears racism against blacks may actually indicate racism on their behalf:

- The probability of graduating from college is 27 percent for whites, 11 percent for blacks; at the level of 100 IQ, 50 percent of whites get college degrees and 68 percent of blacks.
- Five percent of whites and 3 percent of blacks work in what the authors call "high-IQ" jobs; but at the average IQ for such occupations (117), 10 percent of whites and 26 percent of blacks work in those positions. →



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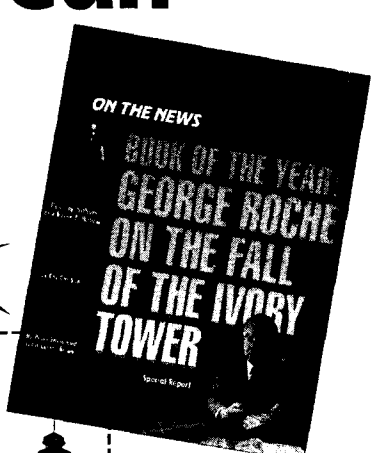

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This is not to exclude cultural possibilities beyond the purview of the book—blacks of IQ 117 could work harder than whites, for example—but a more likely cause is affirmative action, which the authors show to have gone far beyond the mere "nod" that Civil Rights legislation envisioned to a full-blown system of racial preference. The authors have obtained SAT data that show that the lowest difference in the caliber of white and black students is at Harvard, where there is a gap of 95 points. At other schools, like Rice (271 points) and Berkeley (288 points), the difference is so huge that, in terms of IQ, the white student body is practically *stacked on top* of the black student body. Law school admissions data from the late 1970s show admitted blacks averaging below the 1st percentile of white test performance. Such disparities transform our universities into assembly lines for turning out racists, as white students, some meeting black people for the first time, come to see them as incompetents to whom the state has given special privileges.

Meanwhile, Asians are penalized at most universities, where admissions hurdles are becoming reminiscent of the anti-Jewish quotas of the 1920s. At Rice, Asians must score 70 points above the norm to stand an equal chance of admission, at Harvard 65 points, Johns Hopkins 55 points, Stanford 58 points—not to mention Brown, which recently acknowledged an "extremely serious situation" after a report from its Asian students' association.

Affirmative action's effects are no less extreme in the workplace, where it not only creates resentments but also fosters mediocrity *outside* of the minority pool, as the authors show. An interesting irony is that the notorious practice of "race-norming," by which minorities' scores were multiplied so that they were in synchrony with whites' and Asians', was among the least unfair ways of administering affirmative action. Ever since the Supreme Court's 1971 *Griggs* decision outlawed most intelligence testing where it had a "disparate impact" on minority hiring, race-norming has been the most efficient way to select the most qualified off the top of the candidate pool for each race. With the abolition of race-norming under the Bush Civil Rights Act, it has become necessary in some cases to lower standards for all applicants down to the level of the least qualified minority hired.

The authors see affirmative action as "leaking poison into the American soul," and this extremist language puts affirmative action in its proper context, as the most divisive and dangerous issue in American politics—more important than taxes, crime, or abortion. The fact that it went completely unremarked in the last election is only evidence of the size of the stakes. That is because of political correctness, of course, which is merely another name for what the authors call the "cognitive dissonance" between the rhetoric of affirmative action and the realities pointed out above:

> Just beneath the surface of American life, people talk about race in ways that bear little resemblance to the politically correct public discussion. . . . The underground conversation is not limited to a racist minority. It goes on everywhere, and we believe is increasingly shaped by privately held beliefs about the implications of genetic differences that could not stand open inspection.

While this quotation has been snidely cited by some of Herrnstein and Murray's critics, many whites know it to be true; if few blacks do, then that in itself is cause for alarm, because it constitutes a de facto repudiation of one of our noblest projects—uniting all of us in one political conversation.

Under affirmative action and the political correctness that is its consequence, prejudice (primarily a social phenomenon) has combined with preference (a political act) to form a brand-new kind of anger-inducing politics. While blacks maintain their unenviable position at the bottom of society's ladder, they also receive special privileges from the state that cause boiling resentment. (At University of Texas Law School, according to papers filed in the *Hopwood* affirmative action case that will shortly come before the U.S. Court of Appeals, the automatic acceptance score for blacks has been lower than the automatic *rejection* score for whites. See Terry Eastland's "Back to *Bakke*" on page 58.)

As Sniderman and Piazza have pointed out in *The Scar of Race* (1993), such "anti-black" feeling as persists in America today is more a political movement against such programs as affirmative action than an antipathy against blacks per se. (In fact, Sniderman and Piazza note, people opposed to affirmative action and other race-based programs show up in polls as less "racist" than the public at large.) That would at first seem like cause for optimism, except that political anger is far more volatile than mere distaste or even sentiments of racial superiority. Where old-fashioned race hatred combines with a *political* rage against a privileged class created by affirmative action, the result is something more dangerous than the sum of its parts.

As Thomas Byrne Edsall has noted in *Chain Reaction*, much of the talk about taxes, rights, and the role of government in people's lives is merely coded talk about black-white relations. If Edsall is correct, there is a large body of white voters in the country who will put a black face on every fault they find with the government. That would be a problem in political discourse at any time. But to make matters far, far worse, blacks have come to be identified with the U.S. federal government at exactly the moment when distrust of it is higher than in living memory. It is thus cause for relief that certain politicians—like J.C. Watts in Oklahoma or Roy Innis in New York—are in their very different ways charting (for blacks and whites) an escape route from the self-serving politics of demand and defiance.

But that won't make solving the specific problems of the underclass any easier. The authors' data on illegitimate births show that many problem phenomena in the black inner city are the function not of cognitive differences but of cultural ones. There are plenty of indices where controlling for intelligence does little or nothing to square the numbers. Controlling for IQ *does not* diminish the black-white disparity in welfare recipiency for poor mothers, for example, and reduces the number of black illegitimate babies only marginally (from 62 percent to 51 percent for a black of IQ 100).

Murray and Herrnstein have never denied a role for culture, and here, obviously, we are back to square one. One can only await a more detailed disentangling of the respective roles of IQ and culture in underclass society; but it would appear that

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once a microsociety begins to function at a lower cognitive level, a new culture is effectively created, and that culture has a substantial independent role of its own in creating pathology. Rep. Charles Rangel (D-N.Y.) is being demagogic when he claims that tax cuts equal racism, but he is correct in envisioning that attempts to remove social programs that support the underclass will be an all-out attack on one culture by another.

When the choice is between either policies that are guaranteed to produce social conflict or social conflict to change policies, one must grant the left's point that these questions are scary even in the asking. If affirmative action really *is* "leaking poison into the American soul," might national strife—or even resurgent racism—be a price worth paying for its dismantling? The authors have no road map out of the territory they are describing. And this becomes especially problematic when they begin to talk about dysgenesis—the worsening of the American gene pool.

The authors' most depressing observation has to do with race only marginally: Americans are getting stupider, since lower-intellect individuals—of all races—are having babies earlier and more frequently than their more intelligent contemporaries. As this book went to press, the average IQ of mothers in the NLSY was 95.7. The authors speculate, with less evidence, that immigrants now coming to the U.S. may have lower IQs than the norm. Is this such a big deal? To warn of the dangers of even minor dysgenesis, the authors show the hypothetical behavioral fallout of a 3-point drop in the mean of the NLSY: an 11 percent increase in the poverty rate, an 8 percent rise in children born out of wedlock, a 13 percent rise in jailings. They describe the results as "worth worrying about and worth trying to do something about."

It certainly is worth worrying about. As for doing something about it, however, one can go back to the *status quo ante* Great Society—reducing, or even eliminating, AFDC to take away the incentive for a raft of low-IQ babies—but what if that is not sufficient to bring the gene pool up to snuff? There will surely be some to argue, *Why stop there?* Doesn't sterilization of criminals, with their average IQ of 84, provide the chance to kill two birds with one stone? We are suddenly in the territory of classical eugenics, where all known solutions have typically been worse than the problem itself.

On the other hand, if society resists the temptation to "improve the race"—which seems less likely in an age when politicians of both left and right advocate forcing the long-term contraceptive Norplant on inner-city women—dysgenesis will create problems enough. In 1938, the English psychometrician Raymond Cattell predicted that dysgenesis would lead to growing dependency and "delinquency against society." Murray, in turn, has already written of his worries that the new American cognitive classes will form into a Latin American-style elite, isolated in walled mansions from the tumult of the rabble below. Many of the aspects of this elite seem merely to be an intellect-based reversion to the "blood"-based pre-industrial aristocracy: for one thing, the cognitive giants of the business, political, and communications world begin to have more in common with their opposite numbers in other walks of life than with the lower orders of their own occupation. Already its signs are with us in what Robert Reich has called "secession of the successful": rich people abandon public transportation and schools; increasingly hire private police forces; and circumvent public institutions, such as the postal service, through fax machines.

At the other end of the spectrum, the underclass will grow and will come to embrace whites (this returns to the theme of a famous *Wall Street Journal* article by Murray). With 22 percent of white births illegitimate, and perhaps twice that many in poor areas, and with most of those illegitimate births coming from the lowest part of the cognitive continuum, the authors expect a white underclass to form. "The white cognitive elite is unlikely to greet this development sympathetically," the authors write, but the results will not be pretty for the underclass of any race:

> What will become of the poor? Over the next decades, it will become broadly accepted by the cognitive elite that the people we now refer to as the underclass are in that condition through no fault of their own but because of inherent shortcomings about which little can be done. . . . These consequences are plausible: Child care in the inner city will become primarily the responsibility of the state. . . . The homeless will vanish. . . .Strict policing and custodial responses to crime will become more acceptable and widespread. . . . The underclass will become even more concentrated spatially [and] will grow. . . . Racism will emerge in a new and more virulent form. . . . By custodial state, we have in mind a high-tech and more lavish version of the Indian reservation for some substantial minority of the nation's population, while the rest of America tries to go about its business. In its less benign forms, the solutions will become more and more totalitarian.

Then, reverting to Jekyll-Hyde optimism in their final chapter, the authors say that this needn't be the end result. They urge a "valued place for everyone." Simplify rules. Strengthen marriage. Modify affirmative action so that it truly benefits the underprivileged. Eliminate AFDC. Except for the last two, the recommendations are soft and unsatisfying—almost as if the authors were spending their closing pages trying to establish that their hearts are in the right place. The liberals who have addressed the issue of national atomization have not done much better, but one can admit this and still say that Herrnstein and Murray's prescriptions are seldom worthy of their diagnosis.

It is the diagnostic side of the book that is its *raison d'être*, however, and as such *The Bell Curve* is a comprehensive, responsible treatment of its subject, never mean-spirited or gloating. It gives a fair hearing to those who dissent scientifically from its propositions—in fact, it bends over backward to be fair. Its crucial data are supplied in appendices for the reader's independent examination. Its science is never fuzzy or self-contradictory. Among the dozens of hostile articles that have thus far appeared on the book, none has successfully refuted any of its science. That given, we can now only hope that *The Bell Curve*'s insights will help us solve some of the most troubling problems of race relations and income stratification. At the very least, the fact that it was written is a profile in courage.

But that doesn't make its data anything less than profoundly worrisome. ❐

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DAVID BROCK
(continued from page 41)

It is now quite evident why Anita Hill has avoided for three years doing precisely the kind of interview she has done with Mayer and Abramson, commenting on the facts of the case. Though the interview was done under carefully controlled circumstances—lawyers for Hill were present, and she reserved the right to pre-screen the questions as well as review her quotations before publication—she wasn't quite careful enough to avoid shedding light on her motives. Worse still, some of her new statements can be proved false.

For instance, Hill offers a completely new explanation of why she followed Thomas from Education to the EEOC while she was allegedly being harassed. In her testimony, Hill stated that she had feared for her job, a claim later contradicted by Singleton. She now maintains that she followed Thomas because:

> According to Hill and others, his relationship with [Lillian] McEwen was an on-and-off again affair that, at least when it began, in the spring of 1982, allowed Hill to feel "relief and hope" [that the harassment had ended].

Note that this is sourced from Hill and unidentified "others." Yet only one "other" is identified in the notes: Sukari Hardnett, who surfaces later to accuse Thomas of having been interested in her. Hardnett wasn't even working at the agency in the spring of 1982.

Why did Hill never previously mention that Thomas was dating another woman if that is what allowed her to believe she could safely follow him from one job to another? Perhaps because Hill is now seeking to counter inconvenient information divulged long after the hearings were over. For example, two sources in my book were quoted as saying that Thomas would not have asked Hill for dates because he was in a serious relationship with McEwen during the entire time that Hill worked for Thomas. Hence this twisted "on-again, off-again" story.

Harry Singleton, for one, confirmed to me in a recent interview that Thomas was involved with McEwen, then an aide to Senator Biden, before Hill went to work for him in September 1981—not 1982. Thomas, in fact, had already met McEwen by the time his marriage finally dissolved in August 1981. "The relationship was very serious from the time it began," he said. "Then it ended a few years later [in August 1985]. There was absolutely no on-and-off quality to it. We talked about this kind of stuff all the time, and I would have known about rocky periods. There weren't any." Other friends of Thomas and McEwen with first-hand knowledge of this history, including Barbara Lawrence, a former Biden staffer, and Carlton Stewart, corroborate Singleton's recollection and strongly dispute Hill's unsubstantiated suggestion.

The authors also appear to be attempting to strengthen the recollections of Hill's panel of witnesses long after they gave what was presented by Hill's lawyers as corroborating testimony in the Senate hearing. Most notable is the opportunity given Susan Hoerchner, the California workmen's compensation claims mediator who was given the honorific title of "judge" throughout the hearing, to correct the record on when she supposedly received a telephone call from Hill complaining about Thomas's harassing behavior. Hill testified that the behavior began three months or so after she first went to work for Thomas at the Education Department in September 1981.

Both in her interview with Senate Judiciary Committee staff and later in her testimony, Hoerchner said that she was unsure of the date of the conversation with Hill. Her best guess was that the call had occurred in the spring of 1981. This memory lapse is perfectly understandable, given that the call had allegedly taken place some ten years ago.

But in her interview with the Senate staff, Hoerchner was sure about one thing: She was living in Washington at the time the two had spoken. Hoerchner further stated that she had left Washington for California in September 1981, and at that point had no further contact with Hill until a chance meeting in 1984. Thus her testimony can't possibly corroborate Hill's account of harassment by Thomas.

In my book, I suggest that Hill had perhaps complained to Hoerchner not about Thomas but about a boss at Wald, Harkrader, where she was working during the time that Hill and Hoerchner were speaking regularly on the phone in Washington. Two sources had told me that when Hill joined Thomas at Education, she told co-workers she had left Wald because she'd been sexually harassed.

Mayer and Abramson try to confront the Hoerchner problem, but they don't seem to understand what the problem is. They therefore miss the target. On page 97, they report:

> [Hoerchner] acknowledged that her recollection, particularly when it came to the timing of events, was hazy, but she said she distinctly remembered that at some point after Hill began working for Thomas, she had asked Hill in one of their many phone conversations how things were going.

That this is merely a clumsy patching job, however, is exposed in the prior paragraph, where we find this sentence: "As Thomas's behavior caused her increasing distress, Hill confided in one of her closest friends from law school, Susan Hoerchner, who was also working for the government in Washington." The fact that Hoerchner was working in Washington at the time of Hill's complaint, now reconfirmed by Hoerchner herself, is precisely the reason that her original testimony has been discredited. To repeat: Hill at that time wasn't working for Thomas, so how could he have been the one she told Hoerchner about?

Regarding another important discrepancy, the authors report from their interview with Anita Hill a new variation on her purported complaint to Hoerchner. "Hill later explained that she had hoped Hoerchner might have some

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ideas on how she could get Thomas to stop," they write. "Hoerchner confirmed this early discussion to congressional investigators, to the FBI, and in her testimony."

But Hoerchner did no such thing. Hoerchner stated just the opposite in her sworn testimony:

> BIDEN: Did you advise her to take any action?
> HOERCHNER: She did not ask for advice.
> BIDEN: Did you say, you should complain? Did you give her any advice?
> HOERCHNER: She did not ask for advice, and I did not give her advice.

Either Hill or Hoerchner is wrong about this, and the entire point is lost on Mayer and Abramson.

As with Hoerchner, the authors simply make matters worse for Anita Hill in writing about her other witnesses. For example, we learn for the first time that the witness John Carr—the New York corporate lawyer who was unable to state under oath that Hill had named Thomas as her victimizer in 1983, only that she had referred to an unnamed supervisor[8]—had an ideological motive in concluding a decade later that Hill has been referring to Thomas all along.

Reporting on their interview with Carr, Mayer and Abramson write: "He remembered that rather than thinking less of Hill, he decided that this proved he had been right all along about how strange Thomas was. Apparently Carr had enjoyed teasing Hill about Thomas's contrary ways; it was odd, he believed, for a black man to be so conservative, Republican, and outspoken against traditional civil rights remedies."

Race even creeps into the authors' analysis of Thomas's record on the Supreme Court. The suggestion that Thomas is not living up to a supposed commitment that "as a black man he would bring empathy to the high court" is not only a racist and non-legal critique but wrong as a factual matter.

The sections on the witness Joel Paul, the American University law professor, further underscores the sheer idiocy of what is passed off as serious reporting in this book. Paul, who is gay, apparently harbored fears about being "outed" by the Republicans during the hearings. Here is how our credulous reporters describe the moment:

> Soon Paul had even more reason to worry. A friend of his lawyer's who was close to Republicans on the Judiciary Committee called with a warning. He said the Republicans behind the campaign to confirm Thomas had compiled briefing books, which he described as being two inches thick, filled with detailed information on the backgrounds of Hill's potential witnesses, including Joel Paul.

The notes indicate no better sourcing for this passage than the unidentified sources of an unidentified friend of Joel Paul's lawyer. There's no indication the authors made any effort to confirm any of this with Republican staffers—even the existence of the dossiers, let alone the information about Paul's personal life. I have spoken with most of the Republican staff in preparing this review and have found no evidence whatsoever to support these allegations. One GOP aide on the Judiciary Committee told me: "We had no such dossiers and almost no information on these witnesses—only what their depositions revealed, i.e., very little. Until reading it in the book, I never suspected—or would have cared about—Joel Paul's alleged homosexuality. The Republican staff then—and now—contained gay staffers; it is a completely unremarkable fact." (When I reached Paul, he said, "We have nothing to talk about," and hung up.)

The ironies abound. In order to demonize the Republicans for allegedly plotting to "out" Paul, Mayer and Abramson go ahead and "out" him. Then, in a subsequent description designed to paint Paul as a committed civil rights activist, the authors wreck their own plot line:

> Paul was open about his sexuality to his friends and family and in the past had championed a number of gay rights issues, including the effort to admit gays to the military. In 1984, when he supported the presidential candidacy of Gary Hart, he had attended the Democratic National Convention as a gay delegate. And before that he had headed a gay bar association in San Francisco, called Bay Area Lawyers for Individual Freedom.

In other words, the entire "outing" issue was phony to begin with: Paul isn't a closeted gay.

The authors have about as much success trying to find new corroborators for Hill.

First up are two former EEOC colleagues who claim to remember a story about pubic hair and a Coke can making the rounds at the office. One is Marguerite Donnelly, a former EEOC attorney who "distinctly recalled being told by a co-worker in the early 1980s that Chairman Thomas 'had said—and I thought it was in the presence of several people—that there was a pubic hair on his can of Coke.'" Donnelly says she told her husband, Allan Danoff, also a former EEOC attorney, about the comment contemporaneously. "We certainly did hear about it back then," Danoff says.

Michael Middleton, a former Thomas aide whom the authors misidentify as a professor of law at Missouri North Central University (there is no such institution), also

[8] Hill had an EEOC supervisor other than Thomas in 1983 who was a known sexual harasser.

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describes a "quite hazy" memory. "I have this vision of Clarence at the EEOC picking up a Coke and saying, 'Who put this pubic hair on my Coke?' " Middleton is quoted as saying. In the next paragraph, however, we learn that Middleton "can't say for sure whether he witnessed Thomas's saying it or just had it described to him back then. He also worked with Hill, and it is possible she may have told him about it herself—although he doubted it and she had no recollection of it."

After conceding that the foregoing statements "do not necessarily corroborate [Hill's] account," the authors conclude:

> What seems unlikely, however, is that three senior lawyers in the agency could remember the same statement coming from a man who says he never uttered it to Hill or anyone else.

But by their own reporting it is clear that three senior lawyers *did not* remember the statement coming from Thomas. None of the three claims to have heard the remark personally or to recall exactly how the remark came to their attention. One lawyer, Danoff, heard about it only from his wife. His wife, Donnelly, remembers only an unnamed individual telling her that Thomas had said it. And Middleton isn't sure whether he remembers the statement coming from Thomas or Hill or someone else.

Sukari Hardnett

There are other problems with these passages that go unacknowledged by the authors. The first is that Anita Hill testified that the remark was made to her by Thomas when the two were alone in his office, and that she never told anyone about it. If either Donnelly or Middleton witnessed it; if someone else had witnessed it and told them; or if they were told about it by Hill, then Hill's account of the incident is false.

The second problem is that both Danoff and Middleton were fired by Thomas, and so they aren't the best witnesses against him. The Danoff firing was one of the most celebrated firings during Thomas's stormy tenure—he fired lots of people in a bid to professionalize the agency—and the matter ended up in the courts. Danoff's firing isn't mentioned in the book, nor is the fact that Danoff was quoted at the time of the Supreme Court nomination battle harshly criticizing Thomas's record at the agency.

Middleton's firing is noted, but only much later in the book. A far more curious aspect of Middleton's history, however, is not treated. Mayer and Abramson report that during the hearings, Middleton supposedly turned to his wife "and asked her if she remembered the [pubic hair and Coke] story, and she told him that she did." The question this raises is why Middleton didn't say something about it at the time.

It turns out that while Middleton didn't say anything about the pubic hair remark, he did have quite a bit to say to the press after he heard Hill's testimony about the remark and Thomas's denial of ever having made it. The quotes don't indicate that he knew anything about the pubic hair remark in 1991 that would implicate Thomas in any way. Take the following passages in the *Chicago Tribune*:

> University of Missouri law professor Michael Middleton, who worked with Thomas and Hill at the Department of Education and the EEOC, said he cannot reconcile the conflict between the stories. "It is as muddy to me as it is to anyone," he said. "She is as credible as she appeared on TV, and he is as credible as he appeared in the hearings."
>
> Middleton said that during the time Hill worked at the Education Department and the EEOC she was "totally loyal" to Thomas. "She was his confidential assistant and she performed her job in an exemplary fashion. There was no inkling of anything beyond a professional relationship. It was almost unusually professional."

He said the idea of Clarence Thomas describing the viewing of a pornographic movie as part of a come-on was "almost ridiculous. My impression of him was that he was one of the most upright people around."

From these quotes, we can deduce that Middleton was either misleading the press in 1991—surely he would not be as perplexed as he professed to be about which witness was telling the truth if he had seen or heard Thomas make the gross pubic hair remark—or he now sees it as in his interest to allow Mayer and Abramson to present a faint recollection of a story about Thomas, pubic hair, and a Coke can as support for Hill's allegations. One conceivable motive for the latter possibility: It has been publicly reported that Middleton has been under consideration to be named general counsel of the EEOC under Clinton, though the authors don't say so. (He didn't return a call seeking comment.)

In any event, the evidence about this anecdote, such as it is, could be entirely valid and still bring us no closer to proving that Thomas ever said it. A story about pubic hair and a Coke can may have made its way through the EEOC gossip mill in the early 1980s. A decade later, Thomas

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denied having made it when Hill attributed it to him. Nobody but Hill recalls Thomas saying it, and nobody claims Hill told them of it.

We are now told that Donnelly may have heard something about such a story, and so may have Middleton. Maybe Hill did too. Maybe that's the origin of the bizarre story in the first place: Hill heard the story just as Donnelly and Middleton did: as it made the rounds of office gossip. Ten years later she seized on it, claiming to be its original source, thinking that it would be somehow corroborable. But despite Mayer and Abramson's best efforts, it still isn't.

Next we meet Bradley Mims, who is presented as one of two new "witnesses" for Hill. Mims and Hill had met in 1982 in a night class for federal employees who wished to improve their writing skills. Mims was working on Capitol Hill for a Democratic congressman and Hill was working for Thomas at the education department. As Mims tells it, only a couple of weeks after they met, Hill confided to him that Thomas had begun saying "really crazy stuff to her—talking wild." Mims says that he "knew" that "talking wild" meant using explicit sexual language. Ten years later, during the hearing, he was working in a civil service job at the Smithsonian Institution and stayed quiet because the "Republicans headed the government," according to Mayer and Abramson.

One of the many cheap aspects of this book is that supposed new evidence is presented by a "witness" who has never appeared under oath to have his story cross-examined. Soon enough it's also clear that Mayer and Abramson will conduct no such cross-examination. The "witness" then goes into hiding, never to be heard from again. Mims refused to be interviewed for this article.

On its face, Mims's account doesn't add up to much. He makes the leap from Hill's alleged comment about Thomas's "talking wild" to the conclusion that Hill meant Thomas was using sexually explicit language. Mims is apparently unable to corroborate any of the specific language Hill attributed to Thomas in her testimony, let alone to state that Hill told him Thomas was using sexually explicit language. After Hill's testimony, such recollections as Mims's are inevitably tainted by what she said; he may now intend for the words "talking wild" to take on a meaning that they may or may not have had at the time Hill allegedly spoke of them. There is also the inconvenient fact that Anita Hill said in her affidavit to the Senate Judiciary Committee, and then to the FBI, that Susan Hoerchner was the only person she had told of Thomas's harassment between 1981 and 1983.

When other witnesses came forward of their own volition before the hearing, contradicting what Hill had told the FBI, she then claimed that she had "repressed" the fact that she had told others of the harassment contemporaneously. In her Senate testimony, she said: "It is only after a great deal of agonizing consideration that I am able to talk of these unpleasant matters to anyone but my closest friends." But Joel Paul was not a friend of Hill's; she barely knew him when she supposedly told him of the harassment in the summer of 1987. Likewise, according to Mims's account, he had just met Hill when she supposedly told him of Thomas's "talking wild."

Odder still is that Hill apparently did not even recognize Mims's name when Mayer and Abramson asked her about him. "Hill had forgotten that she had also confided in a fifth person. . . . And once reminded of him, Hill confirmed his account," they report. Corroboration usually works the other way.

Perhaps Hill did forget telling Mims something about Thomas, but the second new witness presented in *Strange Justice* is one Hill is not allowed to have forgotten: Linda Lambert Jackson. When she was first interviewed by Metzenbaum staffer James Brudney in September 1991—six weeks before her public testimony—Anita Hill appears to have told him that in 1983, soon after leaving the EEOC, she told her friend and former EEOC colleague Jackson about Thomas's "two-year-long campaign of sexual harassment." Mayer and Abramson have obtained the notes of Brudney's conversation with Hill. Jackson is quoted by Hill as having said in 1983, "I don't believe it." The authors further report:

> This conversation with Lambert became seminal in her thinking about whether to discuss the experience with anyone ever again. As she told Brudney, she "felt if my friend reacted this way, others on his side would react [the] same way." So, for nearly a decade, she "never brought it up again."

Mayer and Abramson seem unaware that they've stumbled on a significant revelation. This is an entirely new explanation by Hill of why she stayed quiet for ten years: the conversation with Jackson traumatized her. She did not mention this conversation—when she testified under oath just a few weeks after she told Brudney about it—in any of her various explanations as to why she stayed quiet: that she feared for her job; that she feared Thomas would exact retribution on her when she returned to Oklahoma and worked for Dean Kothe, a Thomas associate; and that despite prior Senate confirmations of Thomas, no one had ever asked her for information about the nominee until Brudney did in 1991.

Jackson, it may be recalled, testified for Thomas at the hearing: "Anita referred to Clarence with admiration. . . . It seems that she would have mentioned something if she were having problems at the office, even if she did not name a specific person. Subsequent discussions I had with Anita also yielded no mention of anything improper on the part of Clarence Thomas." Hill tells Mayer and Abramson of her reaction to this testimony: "I don't know how people can go to sleep at night having lied as some of them did. Certainly I couldn't. But in the end, they have to live with themselves."

Here we have an allegation of perjury lodged against Linda Jackson. Mayer and Abramson report:

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Later, Jackson, who still worked for the EEOC during and after the hearings, refused to comment on the telephone when asked whether Hill hadn't told her of the harassment years before. She then quickly hung up.

Jackson told me this isn't how it happened at all. According to her, Abramson telephoned and said that she wanted Jackson to confirm or deny something that Abramson had heard. Abramson didn't say what it was. Jackson said she didn't want to be interviewed but would be willing to answer questions in writing. The conversation ended and no questions ever arrived. Thus the implication left by Mayer and Abramson—that Jackson was informed of the substance of what Hill had said and hung up rather than deny it—is entirely false. (For the record, the entire encounter that Hill described is also fake, according to Jackson.)

Finally, the authors don't seem to appreciate the issue raised by this new information about Brudney's conduct during the hearings, much less about Hill's credibility. At some point after Hill first named Jackson to Brudney as a corroborator and before she went on to tell another Senate staffer and the FBI that she had told only Hoerchner, Jackson disappeared from the story. The only plausible explanation for this would be that Hill never intended the original conversation with Brudney to go as far as it did; at that point, she was hoping to take out Thomas with an anonymous charge and needed it to sound as convincing as she could make it. Later, when told by the Biden staff that she would have to name herself and allow her witnesses to be interviewed by the FBI, Hill, knowing that Jackson would not back her up, said only Hoerchner knew of the harassment.

If the account in the Brudney notes is correct, Hill's "repression" explanation—which could conceivably cover Carr, Paul, Ellen Wells, and even Mims, since they all contacted Hill, offering to testify—doesn't work for Linda Jackson. Not only does Hill claim that the 1983 conversation with Jackson was so memorable that it kept her silent for a decade. There is now evidence that Hill had told Brudney of a second person mere weeks before saying *on three different occasions*—a sworn affidavit, an interview with the FBI, and her sworn Senate testimony—that she remembered telling only one person.

Brudney—a friend of Hill's from Yale who spoke to her more than a dozen times before she filed her allegations with the Senate—watched Anita Hill testify under oath without mentioning Jackson. Surely if he was interested in investigating the truth of the allegations rather than conspiring with Hill in a false account, he would have forwarded those notes to his colleagues in the Senate and seen to it that both Hill and Jackson were asked about the supposed conversation when they appeared to testify. Instead, he covered up his knowledge of Anita Hill's perjury.

V. The "Other" Women

The final attempt to bolster Hill's case consists of the testimony of four "other women," whom the authors present as providing proof that Thomas exhibited a pattern of behavior consistent with Hill's charges of sexual harassment. They imply that the four were generally unknown to the public at the time of the hearings and were prevented from testifying by a sinister conspiracy of pro-Thomas forces. Each of these claims is false.

The accounts of three of these women—Angela Wright, Rose Jourdain, and Sukari Hardnett—had been reported and refuted before the appearance of *Strange Justice*. Nonetheless, it is worth combing through them once more to dispel the notion that there is anything even approaching a pattern of sexual harassment in Thomas's personal history. (Indeed, the authors themselves admit at one point, "No one else has come forward during the hearings or since to accuse Thomas of sexual harassment.")

Ginni Thomas is depicted as a psychotic: a sunny, trusting, sweetly naive, invariably warm and cheerful woman who spends her time taking homeless strangers to lunch and attending a church that was a "center of anti-abortion political activity."

Of the three, only Woman Number One—Angela Wright—claims first-hand knowledge that Thomas ever did anything untoward in the workplace, though she does not believe she was ever sexually harassed by him. A former EEOC employee who now works as a journalist, Wright was the first "other woman" to surface in the case.

A few days after Hill's charges first broke publicly, Wright wrote a draft column for the *Charlotte Observer* in which she said that personal experience led her to believe Thomas capable of doing what Hill was claiming. While the column was never published, it was leaked to the Democratic Judiciary Committee staff, which then interviewed Wright and subpoenaed her to testify. While her possible appearance made front-page news and network headlines throughout the country—thanks to a briefing given for numerous reporters by Senator Joseph Biden, then the chairman of the Judiciary Committee—she never testified.

In retrospect, this was unfortunate, because it was inevitable from the very moment that Wright did not testify that Thomas's opponents would forever promote her story as the one that would have changed the course of history.

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This book sets out to advance the strongest such revisionist claim yet. [9]

In her interview with Senate Judiciary Committee lawyers, Wright stated that Thomas had asked her for dates and made comments about the size of her breasts. She also said the comments did not disturb her. She reprises that interview in this book, maintaining that she took Thomas's alleged conduct so much in stride that she never once "ruminated" on it. "I was never afraid of Clarence Thomas," Wright is quoted as saying.

Mayer and Abramson believe that Wright's account is strong corroboration for Hill's, because Wright was interviewed before Hill testified. In fact, (a) Nina Totenberg had gone on the air three days before the Wright interview and read Hill's detailed statement virtually verbatim; (b) Hill held a nationally televised press conference the next day in which she publicized her charges; and (c) the Judiciary Committee lawyers who were prompting Wright with questions had already read Hill's statement.

Woman Number Two, Rose Jourdain, was an EEOC co-worker of Wright's who makes no first-hand claims about Thomas's behavior. She says that she can corroborate Wright's story. But in her interview with the Senate staff, Jourdain remembered Wright telling her about comments Thomas made about different parts of her anatomy (her legs), and that Wright was very upset by these comments. In the book, Jourdain takes this a bit further, describing how Wright allegedly came to her office in tears on several occasions seeking her advice on how to get Thomas to stop. Mayer and Abramson either don't notice the plain discrepancies between the Wright and Jourdain statements, or they pretend not to.

The question of why Wright and Jourdain didn't testify has been a matter of heated debate ever since they didn't. One of the explanations for their failure to appear has to do with their credibility as potential witnesses, an issue that gets short shrift from Mayer and Abramson.

Before working for Thomas and being fired by him, Wright had been fired from two jobs and had quit the Agency for International Development just as she was about to be fired. After learning that she was about to be fired at AID, Wright made an unsupported charge of racism against her boss, Kate Semerad, which later made its way to a Senate committee when Semerad was up for confirmation to a new post. These incidents are glossed over in a couple of sentences.

There is also a good deal of evidence in the public domain that after she was fired by Thomas, Wright promised several former colleagues she would get revenge. Phyllis Berry-Myers has said that she received a telephone call on the day Wright was fired in which Wright had told her to tell Thomas to "watch his back." Nancy McPhail, an EEOC colleague of Wright's, also recently confirmed this to me: "I remember Phyllis saying back then that she had gotten this call, the weirdest call, from Angela, threatening Thomas." Thelma Duggin, a mutual friend of Thomas and Wright, told the FBI that as recently as two months before Hill's charges were made public, Wright told her that she was looking for a way to avenge her firing. Neither of these incidents is mentioned in this book.

Armstrong Williams, yet another former EEOC colleague of Wright's, had disclosed that in 1989 he had dinner with Wright, and she told him that someday she would get back at Thomas for the firing. Typically, the authors never confront the Williams story. They allow Angela Wright to deny Williams's account entirely and create a very different conversation in which Williams essentially threatens her to keep her mouth shut about Thomas. Though the authors interviewed Williams about other matters, they never asked him about this supposed conversation. Williams told me it's an utter fabrication. (Wright did not respond to messages left at the *Observer*.)

Though a side issue during the hearings, the circumstances of Wright's firing by Thomas take on a new importance here. Thomas testified that he fired Wright because she had called a co-worker "faggot." If Wright is to be viewed as another Anita Hill, of course, the idea that she uttered an insensitive remark must be expunged from the record. On the word of a single source with only second-hand knowledge of the alleged remark, Mayer and Abramson identify former EEOC employee John Seale as the person to whom Thomas was referring when he testified that Wright had called someone on the staff "faggot." They call Seale, who tells them that he has no recollection of being called "faggot" by Wright. Wright is then

[9] Shortly after the close of the hearings, *Spy* magazine and the "Doonesbury" comic strip started arguing that history would have been different had the Judiciary Committee called Wright and her corroborating witness, Jourdain. On the one-year anniversary of the hearings, *U.S. News and World Report* published a cover story that gave prominent play to Wright, Jourdain, and Hardnett. Both Timothy Phelps and Senator Paul Simon made the same claim in their books. The behavior of Simon, who announced his retirement as soon as the Republicans took control of the Senate, is especially noteworthy. When Hill's initial charges against Thomas were leaked, Simon, in order to force a further hearing, claimed that he had not known about them at the time the Judiciary Committee voted and that he would have sought a postponement had he been told of them. It turned out this was a lie: Simon later admitted that he not only had read the FBI report about Hill's charges, but had actually interviewed her over the telephone before voting. Similarly, on ABC's "Turning Point," Simon claimed that had he known that Wright had a corroborating witness, he would have insisted that Wright and Jourdain be called. This must be another lie: It is impossible that Simon did not know of Jourdain, who was mentioned in various news accounts and referred to as "your corroborating witness" in Biden's letter to Wright regarding her decision not to testify, which Biden read aloud to the committee. Simon's remarks have been wrongly construed, by the *Journal*'s Al Hunt, among others, to mean that he would have switched his vote on the confirmation if Wright had testified. This makes no sense, since Simon had come out against Thomas even before Anita Hill appeared.

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quoted as saying, "The faggot line was made up out of thin air. I'd never say that—I'd put my hand on a stack of Bibles."

Seale may be right about this, but Wright surely isn't. Mayer and Abramson apparently have the wrong "faggot." I have now located the only source to emerge so far claiming to have been an eyewitness to the events surrounding Wright's firing, including the anti-gay slur. Jaime Ramon, now a lawyer in private practice, was the chief legal adviser to EEOC commissioner Tony Gallegos during Wright's tenure at the EEOC. He told me that Wright, the public affairs director, had angered Thomas one morning by failing to invite certain commissioners, including Gallegos, to an important commission press conference. "Afterwards Thomas stopped me in the hall and said, 'Why weren't you guys there?' I told him because we weren't invited."

Later in the day, after speaking again with Thomas on the matter, Ramon was standing outside Thomas's office when Wright emerged. "He had called her in to chew her out about the press conference. She came flying out, looked at Denaro Sims, and said, 'You faggot.' Thomas wrote out a note firing her right then and there and put it on her chair. She found it the next morning," Ramon said. Sims, a male secretary who worked for Thomas, was known within the agency to be sick with AIDS at the time Wright insulted him. (When he died, Thomas attended the funeral).[10]

Senator Biden and Angela Wright continue to offer conflicting accounts as to why Wright wasn't called to testify, with each wishing to lay the ultimate decision on the other. Mayer and Abramson add little to what has been previously published about this subject; they depict Biden as the initiator of the decision and imply with no basis that he was doing the bidding of the Republicans, who are said to have feared Wright's testimony. But asserting this won't make it so; the fact remains that the Democrats (i.e., the Thomas opponents) controlled the Senate and the Judiciary Committee, and established all of the rules and procedures that governed the hearings. It was thus a combined decision of the Democrats (who had legitimate fears that Wright's manifest credibility problems would hurt Hill) and Wright (who wished to spare herself the personal embarrassment of cross-examination) that stopped Wright's testimony.

No conspiracy was necessary.

So much for Wright and Jourdain, the sole corroborator for Wright, who was also fired by Thomas.

There is also nothing new in the statements of Woman Number Three, Sukari Hardnett, whose affidavit hit the Associated Press wire at the time of the hearings: Hardnett stated that there was a "sexual dimension" to serving on Thomas's EEOC staff, but she didn't define the situation further. We now learn she spoke in more detail to Biden staffer Mark Schwartz at the time, telling him that she was "forced to have coffee with Thomas," according to the contemporaneous notes of Schwartz, which Mayer and Abramson obtained. These conversations with Thomas made her uncomfortable, she said. Once again buried in the notes, however, there surfaces a witness to the Thomas-Hardnett conversations, one Aysa McCullough, who did not consider the informal "chitchat" before or after working hours to be inappropriate at all. (Hardnett was also dismissed by Thomas.)

Woman Number Four is Kaye Savage, the only woman presented in the book who tells a story that had not been previously published. Thus Savage holds a very special status in *Strange Justice*; the *Wall Street Journal*'s excerpt of the book led with her story. Moreover, in light of the baselessness of the foregoing indictment against Thomas, Savage's account is the only thing standing between Thomas and total vindication.

A civil service worker in the Carter years, Savage accepted a low-level staff job in the Reagan White House on civil rights matters, which brought her into contact with both Thomas and Hill, first at the education department and then at the EEOC. Savage's allegation boils down to one incident on a Saturday in the summer of 1982, when she says she volunteered to pick up Thomas at his Southwest Washington apartment and take him shopping for running shoes. (Thomas had sold his car to pay for his son's tuition.)

Thomas had moved into the apartment soon after his marriage ended the prior summer. Here is how Mayer and Abramson describe the scene:

> He had only recently set up housekeeping, and the place, as she recalled, was still underfurnished: there was little more than a mattress on the floor and a stereo. But one feature made a lasting impression on Savage. Thomas had compiled and placed on the floor "a huge, compulsively organized stack of *Playboy* magazines; five years' worth of them, organized by month and year." The walls of the apartment were also memorably covered. There was only one main room, but all of its walls—as well as the walls of the little galley kitchen and even the bathroom door—were papered with centerfolds of large-breasted nude women.

When Anita Hill's allegations became public, Savage, after first speaking with Joel Paul's lawyer (she had met Paul through Hill in 1987), contacted the Judiciary Committee. Like Hardnett, she spoke to Schwartz. And Schwartz made notes of this conversation, too, which Mayer and Abramson obtained. They then approached Savage for confirmation and published the above passage.

Astute viewers of ABC's "Turning Point," which featured an interview with Savage, noticed that the story she told wasn't the same as the one that had appeared that very

[10] Florence George Graves made the same misidentification in reporting about Wright's case in the October 9, 1994 issue of the *Washington Post*.

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morning in the *Journal* excerpt, whose language tracked closely with the above passage. In the TV interview, suddenly the pinups plastered all over the apartment had become only one pinup, in the galley kitchen.

I telephoned Savage for an explanation. Unlike the phantom "corroborator," Bradley Mims, Savage was available for an interview. We met at the downtown Marriott for lunch.

According to Savage—who five days later faxed a written statement to me from her office summarizing our discussion—Mayer and Abramson substantially distorted the information she had reported to the Judiciary Committee back in 1991. She said she had told Schwartz of the *Playboy* magazines and two pinups, one in the kitchen and one in the bathroom. She told me the apartment walls were not covered in pinups, as Mayer and Abramson report her having said.

Savage said that she confirmed on an off-the-record basis the existence of two pinups and the *Playboy*s to Jane Mayer in 1992, because Mayer already had Schwartz's notes. In the summer of 1993, Savage said, Mayer sent her page proofs of *Strange Justice* that contained a colored-up, sensationalized interpretation of what she had told Schwartz. Savage said she objected and was then presented with a second set of page proofs that she found more accurate. But when she saw the book, the apartment was wrongly described as having been covered in pinups.

Kaye Savage

Mayer and Abramson have informed me that "all of the named women who were in contact with the Senate Judiciary Committee as possible witnesses but were not called, were given the opportunity to review the sections in this book about themselves in advance, and to correct any factual inaccuracies. In every case that a correction was requested, it was made. Documentation of this process exists, and has been reviewed by Houghton Mifflin." Mayer and Abramson and their publisher have refused to give me access to these documents and to the Schwartz notes. When I asked Savage if she'd kept copies of the proofs, she became visibly nervous; later, she said she couldn't locate them.

The Schwartz notes would establish what sort of allegation Savage made to the committee in the first place. According to Savage, she reported *Playboy*s and two pinups to Schwartz and to Mayer and Abramson (and now to me), and Mayer and Abramson grossly distorted her observations in their book. They do not quote Savage directly, which may be a sign that they've embellished her story. The difference between the two versions, of course, is immense. It is the difference between the bachelor apartment of any young heterosexual man and the apartment of a sex-obsessed weirdo. If Savage is right, maybe Mayer and Abramson should find another line of work.

Mayer and Abramson say Savage signed off on the description of the completely covered walls. Either they can prove this or they can't; yet even if they can prove that they reported Savage's account accurately and to her satisfaction, they still have a problem in that Savage has told me in writing that the story as it appears in *Strange Justice* isn't true. In other words, if Mayer and Abramson are right, then Savage has lied to me and they don't have a witness worth fighting over anyway.

However this dispute between the reporters and their source gets resolved, there is another problem with Savage's story even as she now presents it in a much scaled-down form: It is not clear that there is any truth to it.

I have spoken to a number of people who were in Thomas's apartment in the summer of 1982, each of whom has denied to me seeing *any* pinups or *Playboy*s: Harry Singleton, Armstrong Williams, Clifford Faddis, and the Thomas witnesses J.C. Alvarez, Carlton Stewart, and Stewart's wife, Barbara. Most of them mentioned that Thomas's son Jamal, then nine, was a frequent visitor to the apartment and that Thomas would not have exposed his son to that sort of environment. And most of them challenged the description of the apartment as barely furnished. "My wife and I had dinner there several times during that period and we sat at a table on chairs," Stewart said. "There was a bed on a frame, not on the floor. There were posters on the wall, one of a Rolls Royce. There was a Soloflex machine. And there were lots and lots of books. Literary books. I wouldn't have exposed my wife to the apartment [Savage] describes."

Of this group, only Singleton and Williams were interviewed for the book, and neither recalls being asked anything about the contents of Thomas's apartment. Savage is the sole source—and she does not appear to be a credible one. →

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Savage seems unsure of whether there were one or two pinups. On "Turning Point," she spoke of only one, in the kitchen. In our interview, she seemed certain of one as well, but it was in the bathroom. Her written statement to me a few days later then claimed two, the number she had used in her statements to the Judiciary Committee.

If the pinups are in question, so too are the *Playboy*s. Within the space of a couple of minutes, Savage gave me three answers as to how she knew the stacks of magazines were all *Playboy*s, going back five years. She told me that she asked Thomas about them and that's what he told her; she told me they were in five separate stacks so she assumed there were five years' worth; and she told me she bent down and flipped through the stacks.

There is also the matter of Savage's statement in the book and on "Turning Point" that she was "aghast" at seeing the pinups and *Playboy*s, and found it "a little crazy." She told me she was so offended that she ended her acquaintanceship with Thomas. Yet in the book we find this passage:

> In January, Hill made a New Year's resolution: to get a new job. According to her testimony, she began making discreet inquiries about other employment. Kaye Savage confirmed this, saying that she recalled Hill's confiding that she was looking for work elsewhere and even thinking about returning to Oklahoma—a plan that to Savage, at least, seemed to make no sense, given Hill's terrific position.

If Savage was really "aghast" at Thomas's "crazy" behavior, why would she think Hill's position working closely with him was so "terrific"?

Yet even if the claim of Savage of a couple of pinups and some *Playboy*s is accepted as valid—despite the fact that it is completely uncorroborated and indeed flatly contradicted by a half-dozen others—it seems hardly enough to prove anything, certainly not anything like Anita Hill's allegations. Thomas was a 34-year-old bachelor in 1982 and we are, after all, talking only about *Playboy*, not hard-core pornography.[11] And Savage was never a Thomas employee.

A final issue bearing on her credibility as a witness concerns Savage's views about Thomas's politics—which seem to mirror those of Anita Hill, who had maintained a friendship with Savage for more than a decade. Savage told me that Mayer pushed her to identify herself as a Republican so she would appear more credible in attacking Thomas. But Savage is no Republican. During our interview, she became emotional in telling me that Thomas "was against everything he should have been for" in the Reagan administration. "He was our only hope and he was against us," she said. "He was against everything—minority set-asides, goals and timetables—everything." At another point, she snapped, "He's no Thurgood Marshall, you know." [12]

VI. 99-Percent Fact-Free

If all of Mayer and Abramson's key points are riddled with errors, there remains the question of how careful they were to get the smaller points right. As Mayer has said in justifying her assault on Thomas, "All of the evidence points one way."

Many of the errors concern the public record of the hearing. The authors report that after testifying Friday morning, Thomas "repaired to Danforth's office" where he remained during Hill's testimony. Later they write, "For much of the day he had been closeted in Danforth's office." Wrong on both counts. The press reported that Thomas actually returned immediately home to Virginia upon finishing his testimony, where he smoked cigars in his driveway with a security guard as his wife watched Hill's testimony on television in an upstairs bedroom.

The authors allege that GOP Senator Orrin Hatch "coordinated" his line of questioning on pornography and the negative stereotyping of black men with Thomas. Hatch mentioned to Thomas that he was going to bring up the subject, but the questions were far from coordinated; this was evident, as the authors themselves later note, when Thomas took such a long time to understand where Hatch's questioning was going. The authors also state that this important exchange took place on Friday evening, when in fact it occurred on Saturday morning.

The claim that Senator Howell Heflin bungled his questioning of Thomas regarding the latter's possible familiarity with Long Dong Silver is also wrong. "The gentlemanly southern judge stumbled badly, referring to the character as Long John Silver," it is reported on page 305. Yet on page 106 the authors themselves give an account of the same exchange in which they show Heflin correctly propounding the question about "Long Dong Silver" and Thomas answering it.

"As Bush got ready to board a helicopter for Camp David, he was given some papers by an aide to Boyden Gray," the book says. The papers contained the affidavit submitted by John Doggett. A well-known photograph was taken of this event: it was Gray himself, not an aide, who handed the papers to Bush.

The authors describe Hill as a "civil rights scholar," but as she testified she teaches contracts and business law, also the subjects of her scholarly articles. And she currently lives in Laguna Beach, not Los Angeles, which is 65 miles away.

One also finds several interpretive mistakes, which are particularly surprising in the case of Abramson, who is purport-

[11] More than 2.6 million copies of *Playboy* go through the U.S. mail each month. Attorney General Edwin Meese, who headed a pornography commission for President Reagan, said in 1987 that he had read both *Playboy* and *Penthouse*, determined that they were not obscene, and did not believe efforts should be undertaken to thwart their sale. In October 1994, a U.S. District Court in California struck down the banning of *Playboy* magazine on the premises of a Los Angeles firehouse on the grounds that it did not contribute to a sexually harassing environment.

[12] The hatred that many liberal blacks feel toward Thomas can't be emphasized enough. Julianne Malveaux, a PBS commentator, recently said of Thomas: "I hope his wife feeds him lots of eggs and butter and he dies early, as many black men do, of heart disease."

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edly a lawyer. "One theory that seemed especially appealing to Thomas was the idea that God-given 'natural law' should take precedence over man-made law," the book explains. ". . . At a time when Attorney General Meese was encouraging conservative politicians to disregard liberal Supreme Court rulings if they disagreed with them, this view of a higher legal authority than the written law was radical indeed." However, Meese's notion had nothing whatsoever to do with natural law. It had to do with the separation of powers. Meese argued that the president has an independent authority and responsibility to carry out his duties as he believes the law requires.

As EEOC chairman, Thomas had taken the position that certain affirmative action plans were illegal. The Supreme Court upheld them, and Thomas went along. The authors portray this as an unprincipled reversal of position on Thomas's part, when in fact he was simply upholding the law.

The authors report that Thomas's Supreme Court votes rarely go against the position of "the state." They fail to note that the U.S. government's or state's position rarely loses at the Supreme Court, or in lower courts for that matter. The statement is also wrong, as Thomas's votes in *Buckley* v. *Fitzsimmons*, *United States* v. *Burke*, *William* v. *United States*, *Rowland* v. *California Men's Colony*, and *Evans* v. *United States* demonstrate.

In discussing the infamous pubic hair affidavit from Hill's former students, the authors report that "Senate aides arranged for [Lawrence] Shiles to make his statement legally binding with a notarized signature." This is completely incorrect. In no jurisdiction does the notarization or lack of notarization of a statement affect its binding nature. Notarization's purpose is to answer any doubts as to the identity of the person who signed, should that become an issue.

Nor would its later notarization make Angela Wright's committee interview "an affidavit," as is claimed; at best it would be a retroactively created deposition.

The rest of the bloopers—and this is by no means an exhaustive list—may owe to sloppiness.

The Senate, supposedly repentant for abusing Anita Hill, is said to have passed legislation "aimed at helping women—overriding President Bush's veto of family leave legislation." The veto wasn't overridden.

The claim that a private swearing in for Thomas at the Supreme Court was "the first such in 50 years" is also incorrect. Cheif Justice William Rehnquist was sworn in that way as an associate justice. There is also nothing unusual about this practice, as the authors imply. Clinton appointees Ruth Bader Ginsburg and Stephen Breyer also had private swearings-in.

The authors report that Lovida Coleman, a friend of Thomas and the daughter of William Coleman of the NAACP Legal Defense and Education Fund, prevailed upon her father to write a letter endorsing Thomas's circuit court nomination. Lovida Coleman told me, "I had nothing to do with that letter. They [Mayer and Abramson] never called me and asked."

"As soon as the news broke, [Boyden] Gray's deputy, Mark Paoletta, arranged for [Phyllis] Berry to speak to the nation's most influential newspaper, the *New York Times*," Mayer and Abramson report. Paoletta, however, told me, "I don't know anyone at the *New York Times*. That never happened." Berry-Myers also denied this account.

Janet Brown, who testified for Thomas, is listed in the index as referenced on page 345, but she is nowhere to be found on that page or anywhere in the text. Another woman who testified for Thomas, Pam Talkin, is also listed in the index as appearing on page 345. She isn't there either. Their testimony must have ended up on the cutting room floor.

The book says that when Ginni Lamp first moved to Washington she took a job "in the Senate office of Republican Hal Daub of Nebraska." Daub was a representative, not a senator. Senator Hatch, according to the book, is "known for his Savile Row suits." Not so. Hatch buys all of his suits at Mr. Mac's, a well-known high-volume off-the-rack discount store in Utah, and he makes a point of publicly touting this fact at election time.

Gil Hardy, we are told, died in a diving accident off the coast of Aruba. It was Morocco. William Clark was nominated by Reagan to be the deputy secretary of state, not the secretary. A young White House intern who drove to National Airport to ferry one potential Thomas witness to the hearing is called a member of the "prestigious White House Fellows program." He wasn't.

Kenneth Duberstein's office is on Pennsylvania Avenue, not K Street. Gary Bauer and Bill Kristol are shown plotting confirmation strategy at the beach in July 1991. They were actually doing it in August.

On Saturday night in her hotel room, the authors report Anita Hill turned the channel on her TV to a basketball game for relief. There was no basketball game on television that night. It would either have been football or baseball.

Former White House aide Ede Holiday's first and last names are misspelled twice. Jim Dire should be Jim Dyer. And Nat Turner's rebellion was in 1831, not 1832.

Finally, a note to the epilogue reads: "Suzanne Garment, 'Confirming Anita Hill?,' *American Spectator*, January/February 1993." No such article appeared in the *Spectator*, nor was Garment cited or quoted in the *Spectator* on Hill—then or ever. There wasn't even a *Spectator* issue bearing that date.

Need I say more? ❐

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CORRESPONDENCE
(continued from page 10)

tive action" case, when it clearly appears to be a case of reverse discrimination. Would it be possible for Mr. Eastland to follow up with an explanation of this odd term?

—Michael Lustig
New York, New York

Terry Eastland replies:
Taxman may be referred to as an affirmative action case because the Piscataway Board of Education used what it formally calls its affirmative action plan. I quite agree with Mr. Lustig, however, that affirmative action, as practiced generally and in the case I wrote about in particular, amounts to reverse discrimination.

Gratia Artis

Aubrey Beardsley (1872-1898) has been channeling messages to me, regarding your constant use of his enigmatic illustrations—aren't they fabulous?—in the diaries of Benjamin J. Stein. (On my coffee table, in addition to *The American Spectator*, is the Mallard Press's excellent book *Beardsley*, by Aileen Reid, a great read with beautiful illustrations.) . . . Shouldn't he be given some credit?

—Gaye Praml
Mahwah, New Jersey

The Politics of Armed Revolt

In Grover G. Norquist's excellent Politics column in the November 1994 *TAS*, he states that "Two days earlier, pollster Frank Luntz had informed House Republicans that opposing the crime bill would not be politically costly."

How discouraging to be awakened to the reality that the Republicans, like the Democrats, are not about principle, but about remaining elected. It has come down to either a legitimate third party (sorry, you Perot boosters) or term limits; there are no other choices if we, the U.S. citizenry, are to take back our government without another armed revolt.

—Don Farrar
Martinez, California

A Plea for Understanding

Much of what Edward Conlon says about certain drug gangs in Washington Heights is true ("The Pols, the Police, and the Gerry Curls," *TAS*, November 1994). Unfortunately, the broad strokes with which he paints the neighborhood and the people who live in it results in caricature. The bad guys who engage in illegal drug transactions and murder in Washington Heights are not as many, or as powerful, as Mr. Conlon leads one to believe; nor are the police of the 34th Precinct, whose job is to maintain order here, as noble, or as powerless, as he portrays them. The great majority of Dominicans in the United States (including Washington Heights) consists of law-abiding and hard-working people. Like countless other immigrants of various national and ethnic groups, Dominicans come to this great country in pursuit of happiness. Some of them—certainly the violent types Mr. Conlon writes about—may stray, but most of them simply strive to realize their American dream and contribute to the common good. Wish that a more capable journalist had reported on this complex issue, and that he had written with more subtlety and understanding.

—Julio C. Nunez, Publisher
The Dominican Times
New York, New York

Merchants of Haiti

P.J. O'Rourke's November "Kleagle Clinton" felicitous tirade is a classic. It is magnificently conceived and written. He drives home some of the final nails that will seal the coffin that buries all liberal hypocrisy. He does so with rapier observation and ballistic humor. He is as subtle as a machine gun. He unleashes his arsenal, salvo after salvo into a microcosm of the diseased heart of the Clintons. While so doing, he sprays the rest of the administration inmates running the Washington asylum and brands them with the sickness that they seem so bent on afflicting upon our great Country: their brand of liberalism.

—Michael Stone
White Plains, New York

I hope that P.J. O'Rourke finds time to read another article in the November issue, "The Pols, the Police, and the Gerry Curls." It will give him a view of the tip-of-the-iceberg of the immigration problem in this country.

O'Rourke's article again demonstrates the national naïveté regarding the character of the immigration invasion we are experiencing. Ninety percent of the legal and illegal immigrants in the last few years are Third World people bringing crime, welfare addiction and language problems. More than half of the looters in the recent Los Angeles riots were illegal aliens. Twenty-five percent of federal prison inmates are immigrants. These are not the kind of people who built this country.

Most people of the last Cuban invasion are either in jail or should be. The others have established an arrogant, Spanish-speaking enclave in Florida which is demanding that we become a bilingual country.

The unholy alliance of businessmen seeking cheap labor, ethnic politicians seeking power, and academics hoping for higher enrollments must be exposed. The academics will be disappointed in any case because, although their birth rate is higher, the high school dropout rate for Hispanics in Los Angeles is forty percent.

Expansion of the permanent welfare-dependent underclass and further overcrowding of the jails is assured if nothing is done to control the flood. We must establish an immediate moratorium on all legal immigration, stop the handouts we offer illegals and attempt to seal the borders as stable, civilized countries have always done.

—Tom Van Horne
Malibu, California

I am aware that Mr. P.J. O'Rourke was being satirical in his article on "Kleagle Clinton." I must take umbrage, however, at even a facetious suggestion that we admit all these hungry Haitian and Havana hordes to our shores. I recently attempted to bring a close family friend to the USA from Thailand to stay with me a few months in Boston to provide some moral and physical help to me during my fight against arthritis and the Boston weather. I had known and supported his family for some years. The U.S. Embassy in Bangkok decided that I needed a live-in domestic for my two-bedroom condo, and that a visa would be denied until I got a Department of Labor certification. Then, they would decide if he were qualified to be my domestic. I have been unable to get them to yield from this stance, and they refuse to give him any type visa—including a 15-day

(continued on page 83)

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POLITICS
(continued from page 49)

The Democrats' explanations for the rout haven't been convincing. Their first explanation—that this was simply a vote against incumbents—was patently untrue: Not a single Republican congressman, senator, or governor was defeated. Their second claim—that this was simply an anti-Washington election—could not explain the eleven new Republican governors and the 472-seat gain in state legislatures across the country. Clinton's rambling press conference the day after the election floated the argument that voters were so disappointed in congressional failure to pass Clinton's liberal agenda that they gave both houses to the Republicans. This tortured explanation did not make sense even to Eleanor Clift or the *New York Times*.

The press-driven rumors of a Democratic resurgence in the days just before the election did not pan out. The White House's insistence that Bill Clinton's foreign policy success gave him new stature did not translate into domestic political strength; in fact, his travels through Pennsylvania, Michigan, Iowa, and Minnesota left destruction in his wake.

The Democrats are now floating two new trial balloons. First, they are arguing that the election results show the country does not need term limits—an odd explanation for an election that saw them pass in seven states as well as hundreds of cities. Although thirty-five Democratic incumbents lost their seats in the election, only 10 percent of incumbents were defeated. Some Democrats have tried to argue that the election shows signs of division within Republican ranks, but this is a faint echo of the disproven argument that the religious right would destroy Republican chances for electoral success. New York City Mayor Rudy Guiliani's endorsement of Gov. Mario Cuomo sent his statewide approval ratings plummeting. Betraying the Republican Party's candidates is no longer a route to success. In Virginia, Senator John Warner, who opposed Ollie North and campaigned for Independent candidate Marshall Coleman, was booed offstage at the victory party of the 11th District's Congressman-elect, Tom Davis.

Democratic Party spokesmen, most notably, have failed to assure a shaken establishment that they'll be back in 1996 to recapture both houses. It is not modesty restraining them—1996 looks worse for their party than 1994. Seventeen Democrats won with less than 52 percent of the vote, while another 77 won with less than 55 percent. A rule of thumb among political consultants is that an incumbent who wins with less that 55 percent of the vote will be vulnerable the next time around.

The coming year is certain to further weaken House and Senate Democrats. Passage of A-to-Z legislation that would allow open rules to strip out pork-barrel spending, enactment of the rule urged by John Boehner of Ohio to forbid earmarking of projects for specific districts, and restrictions on franked mail will all weaken liberal Democrats' survival stratagems in moderate and conservative districts.

Fears that Republicans in control of the House and Senate will fail to capitalize on their newfound power—as Howard Baker (R-Tenn.) failed in the Senate in 1981—are belied by the aggressive start of Newt Gingrich and Dick Armey in the House, and by the presidential aspirations of Bob Dole. For his bid to succeed, Dole cannot be seen as less aggressive than the House in confronting Clinton and pushing a conservative agenda; nor can he allow Gingrich or Phil Gramm to become the leader of conservative initiatives.

At the state level, Republican governors will compete over who can do the most damage to the liberal coalition in their respective states. In the fourteen states with Republican governors and Republican control of both houses of the state legislature, governors are already committed to passing school choice plans in Arizona, Pennsylvania, Michigan, Wisconsin, and New Jersey. Arizona, which lost a bid for school choice in 1994 by three votes in the state senate, has re-elected Governor Fife Symington, and elected pro–school choice leader Lisa Graham as the state superintendent of education. Arizona defeated opponents of school choice in both houses.

While Washington continues to wonder what hit it, the grassroots ask why it took so long. The point to remember is that until Communism began its collapse in 1989, American energies had been largely focused in fighting the Evil Empire, giving statist Washington plenty of cover. Freed from that task, Americans refocused their attentions on reducing the size, scope, and power of its own imperial center. The payoff came November 8, but there's one more thing to remember: As in Eastern Europe five years ago, the real work begins now. ❐

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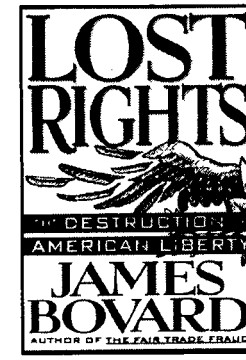

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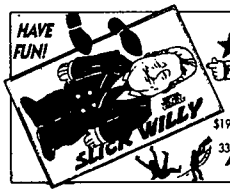

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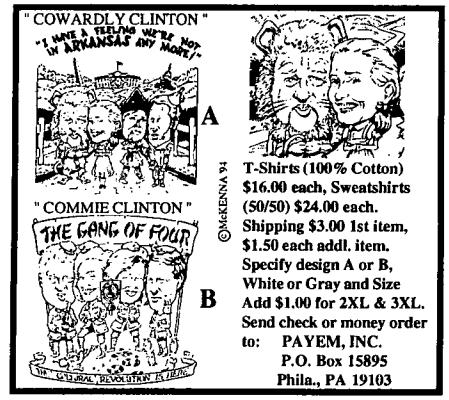

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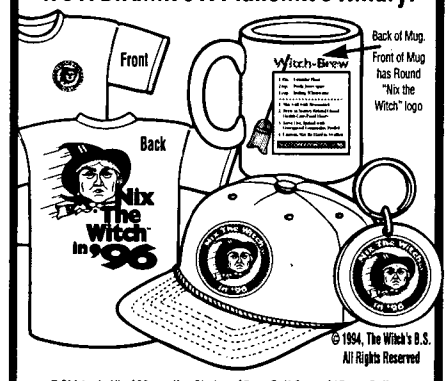
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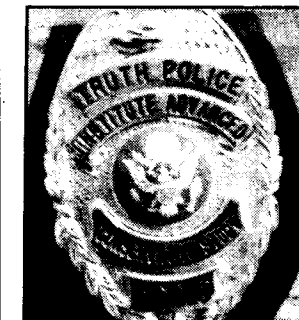

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PRESSWATCH

(continued from page 46)

The election was on a Tuesday. Wednesday was a grace night. Thursday was back to normal. ABC led the evening news with "startling" items in the Republican agenda: Jesse Helms wants to invade Cuba, and the cigarette companies want to spread poison. NBC missed the Helms angle, but not the connection between the election and cancer. "The tobacco companies," it reported, "are all puffed up again." Only CBS was still shaky, making do with a recycled story about sexism in the military. Then, later that night, we got Koppel: "Among the things they're saying: we should have invaded Cuba not Haiti." (That was Helms again, of course, who was only being cranky.) This was followed by more on the carcinogenic threat—"One sure winner in the next Congress: the tobacco industry"—and a hint that Al D'Amato would now go nuts over Whitewater. It was all vaguely depressing, but there was one straw to cling to. ABC had announced the day before that "Turning Point" would no longer be a weekly series. You hoped that Clarence Thomas was pleased. ❒

CORRESPONDENCE

(continued from page 78)

visitor's permit. They always insist that I am going to "PUT HIM TO WORK." Aside from the fact that they are in violation of the fourth and tenth amendments, I should be able to bring anyone I damned please to visit me in my home for a few months. This lad is my only named heir; and may be the only person who has ever become a millionaire by being refused a visa. . . .

So, I shall put that money I was going to spend on bringing this lad over into political donations to effect a change in the executive branch of government. If President Hot Pants can pass out tens of thousands of automatic visas to a petulant Castro, yet cannot spare one for a couple of months' visit by my friend and heir, then I shall spend most vigorously to change the political environment. I shall not give another penny to a U.S. charity, lest some of it go to these alien bums.

—Lewis E. Curlee, M.D.
Hyde Park, Massachusetts

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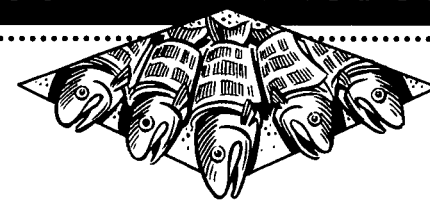

New York Times

Anna Quindlen, retiring cacograph for the *New York Times*, once again displays her literary gifts as she beholds a "moral compass" with a "prospect," a "terrifying prospect":

This is my new motto: Keep Al Gore Healthy.

Because when Newt Gingrich becomes Speaker of the House, that puts him third in the line of Presidential succession, after Mr. Gore. And that is a terrifying prospect for the moral compass of this country.

[November 16, 1994]

Washington Post

The Vice President of the United States speaks out, somewhere above Arkansas:

"Anyone want some Vitamin C?" the vice president of the United States inquires. Not bothering to doff his blue pin-stripe suit jacket, Albert Gore Jr. is wedged snugly behind the vice presidential worktable in the vice presidential cabin aboard Air Force Two. He is holding out a bottle of chewable tablets to the two lonely national reporters—the first to travel with him in many a day—who've come to find out just where he's been keeping himself these last few weeks of the 1994 campaign. He spills a few of the tablets on the table.

Won't they cause stomach acid? one of the reporters asks.

"I don't know," the vice president replies.

Then he emits a most vice presidential belch.

In due course, it becomes apparent that this is a shtick vice presidential belch, not a real vice presidential belch, and the vice president's guests are ultimately chuckling appreciatively.

"I've gotten a laugh with that since sixth grade," Gore confides.

[October 29, 1994]

New Republic

More arty thoughts from patient #3741 of St. Elizabeth's mental hospital writing under the pen name Leon Wieseltier, literary editor of the *New Republic*:

I sit in my room, a white man, and listen to *East St. Louis Toodle-oo* and *Lull at Dawn* and *Things Ain't What They Used to Be* and *Blood Count*. I am certain that I do not hear these pieces the way a black man hears them. But I am also certain that I hear them rightly, that I hear them as music. If you prize Ellington for the reason that he was a black man, you do not have to listen to him. You would prize him just as ardently if you were deaf.

[November 28, 1994]

The Spectator
(London, UK)

America's Cromwell, the Rev. Michael Kinsley, instructs the British reader:

The real American value on display in this election is hypocrisy—and I mean of the voters, not the politicians (well, the voters *and* the politicians). The voters want lower taxes and smaller government—provided that doesn't include any government benefit they happen to be receiving. They want guaranteed health care—but they don't want to pay any more for it, or be inconvenienced in any way. They want the United States to strut as the world's only remaining superpower and to preen as the great champion of democracy and capitalism—as long as this can be done with no risk of American blood or treasure. They want 'change'—they're fed up, they're against the 'status quo', they're not going to take it any more, etc. etc.—as long as their tranquillity isn't disturbed. No doubt this kind of hypocrisy is an element of democracy throughout the world, but it really does seem worse in America these days. I blame Ronald Reagan . . .

[November 5, 1994]

New York Times

Good News from the prissy Anthony Lewis:

With victory, would Newt Gingrich move from street fighter to statesman? It only took a few days to learn the answer: No.

[November 14, 1994]

Washington Post

A medley of nonsensical bathos from Democrats in defeat, and published as a public service to demonstrate to taxpaying Americans that the National Endowment for the Arts is not needed to ensure the existence of amateur acting in America:

There was no bigger winner-loser than Kennedy, who managed a stunning come from behind victory but won't be chairman of the Labor and Human Resources Committee anymore. "One tries to figure out how to put this to oneself," says a Kennedy aide.

"On a personal level it's a great victory, but that's narrow thinking," says another. "Think of Orrin Hatch on the Anita Hill hearings. Or Jesse Helms on anything. Foreign aid, support for governments in El Salvador that slaughter people, gay rights, reproductive rights—you name it. . . . It's a very depressing day. I was hoping we would have come through a little better than we did." . . .

Economic adviser Gene Sperling grieved especially over the loss of New York Gov. Mario Cuomo—who had been his boss and mentor before he joined the Clinton campaign. "I knew Democrats would lose, but I had already digested in my own mind that Governor Cuomo was safe," Sperling said in the East Room before the president arrived.

"People in politics have all gone through the ups and downs at some point in their lives, but I think the sadness I feel is the kind I felt even before I was in a political government job," Sperling said. "You see people you really admire like (Pennsylvania Sen.) Harris Wofford lose, or Governor Cuomo lose; and you just hurt as a person. . . ."

[November 10, 1994]

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Amherst Bulletin

In the enlightened pages of a college town gazette, the Rev. Donna Schaper, a certified minister from the United Church of Christ, makes this messy business of life comprehensible:

We have a cat named Hudson who killed off a litter last month. She had a litter in the spring and enjoyed herself immensely. When the second litter came in the fall, she refused to care for it at all. Often animal mothers and human mothers who refuse care know exactly what they are doing. They are acknowledging their own limitation. It is, as regular people often say, "for the best."

While not arguing for virtue in infanticide, I have to argue at least the plausibility of withdrawing maternal care. Pushing your children into a lake is hardly that. But Susan Smith was making an announcement: she couldn't care for her children. Instead of making their lives permanently miserable, she drowned them. There is a strange, cruel mercy in the act.

[November 11, 1994]

Amherst Bulletin

A glimpse at the kind of cerebral dialogue that is carried on in historic Amherst between such intellectual giants as Father Donna Schaper and Harold Kulungian, founder of the anti-hamburger movement:

The ideas put forward by Rev. Donna Schaper in the Sept. 16 *Bulletin* that "We must make our own burgers" bemused me. What is the difference in the contents, and in the effects, of burgers that we make at home vs. the famous Big Mac? I can't imagine it is very much.

Yet Schaper finds some sort of philosophical consolation in the "do-it-yourself" independent approach to burgers. . . .

Let's take just a couple of recent celebrity cases, to observe the effects of the Big Mac Way of Life in America.

When Lorena Bobbitt was on trial last spring for cutting off her husband's penis, you could see in her some symptoms that are actually widespread in our society. In one of her photos, her face was so tense that her eyes were virtually popping out of her head. You could see the whites of her eyes both above and below the iris. The enormous pressure behind her eyes, causing them to protrude so much, is coming from dietary excess, and shows her whole nervous system to be under immense strain.

Lorena's carnivorous diet made her very excitable, sexually aggressive, and regularly drove her to anger. Anger is coming from an overburdened liver and spleen, making one bilious and splenetic.

Lorena's favorite food, indicated when she was released from her 45-day psychiatric surveillance, in answer to a reporter's question: "What are you going to do now that you are free, Lorena?" "The first place I'm going is to McDonald's . . ." she exclaimed joyfully. . . .

And no one better exemplifies this new dietary behavioral syndrome than O.J. Simpson. Simpson had just gone to McDonald's for a Big Mac an hour or two before the murders took place.

[November 11, 1994]

Washington Post

The venerable *Post* reports on what is to be encountered by health care crusaders when traveling through the American Midwest:

Daniel Lumley, a student from Seattle with a particular interest in health care—he'd lost an arm and a leg in a motorcycle accident—says he encountered abuse all along the way.

"They were calling me communist, faggot, all kinds of things," he says. "A lot of the people were just seething with hate. I felt they were just using this issue, health reform, as a vent."

In Indianapolis, police had to bring out SWAT team members. As the buses approached, a white Dodge Caravan blocked their path and gun control opponent Linda Thompson jumped out, wearing a shoulder holster with a loaded Colt .45. Inside the van police found another pistol and a military-style assault rifle with 295 rounds of ammunition.

"In parts of Missouri and Illinois, Indiana and Ohio, I feared for the lives of the folks that were on the tour," says trip organizer Kevin Howard.

"Demonstrators would show up with vicious signs . . . with no reference to what we were trying to do, which is reform health care," says Ed Emerson, who organized a disastrous event in Springfield, MO. "They literally were throwing things—tomatoes—spitting, making vile and vulgar gestures. . . . Ultimately it's sad, especially when they bring their kids."

"I don't know what it was they hated so much," says Howard. "It wasn't just anti-Bill and anti-Hillary and anti-health care. I'm not saying that's not a part of it, but there's got to be more to it than that. How much can you hate a president?"

[November 7, 1994]

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—P. J. O'Rourke, author of *The Parliament of Whores*

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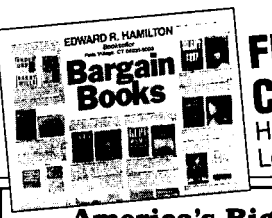

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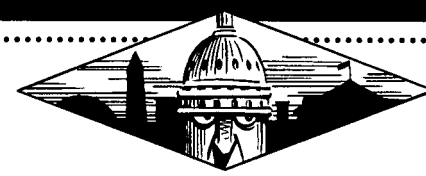

The Politics of Pleading

by Byron York

Last June I received an elaborate mailing from the Democratic Congressional Campaign Committee. The fold-out cover featured a dramatic picture of Bill Clinton with the large-type heading: "How you can best help President Clinton in the 2nd year of his term."

Inside was the "Annual Legislative Agenda Survey." I was asked to complete a questionnaire and send a contribution of at least $20; in return, I would receive an autographed picture of the President and Tom Foley, with the inscription, "To Byron York, Thank you for the leadership you've shown for many years within the National Democratic Party."

The survey asked twenty basic questions about the Clinton program. "What is your opinion of President Clinton's Administration after its first year?" I checked the box marked "very good." "Do you believe there is a health care crisis in this nation?" I checked "Yes." I also answered yes to the question of whether the current welfare system should be replaced with "a new system of education, job training, and child care."

A final question asked for personal comments. I wrote "Keep up the good work!" and slipped a $20 check into the envelope (at the time, I was researching an article on the Democrats' vast "soft money" fund-raising operation and thought the mailing and photo would be useful). Postage was prepaid—but a note said "Your stamp will help defeat obstructionist Republicans!" I licked a 29-cent stamp, dropped the envelope in the mail, and waited for my Clinton-Foley photo.

It never came. Instead, I got a postcard from Vic Fazio. "Welcome!" it said. The card enlisted my support in stopping the coming "Republican onslaught." Fazio promised to stay in touch and "keep [me] up-to-date on the 1994 races."

In late July I received the "confidential results" of the Legislative Agenda Survey. They seemed to have read my answers, because according to the letter, those surveyed "voiced strong support for the President, and gave him very good grades for his first year in office." It appeared that my responses contributed to a mood of optimism among party leaders. But more money was needed, they said, and the letter was accompanied by another "Your stamp will help defeat obstructionist Republicans!" envelope. This time, I did not answer.

September brought another letter from Foley. By then, he seemed to know there was a problem. "Our situation is critical—but not terminal," he wrote. Offering a ray of hope, he continued: "If you, Mr. York, and other leaders within the Party act now, we can catch up with the Republicans." Again, I did not respond.

By the third week in October, the letters began sounding desperate. "The latest polls show that, regrettably, we will lose seats to the Republicans," Foley wrote in the last mailing I received before the election. "I hope you will rush a generous contribution."

Then it happened. The Democrats, despite having spent my $20 and millions more, still lost miserably. The defeat apparently demoralized the party's direct-mail writers as much as the politicians themselves. A week after the voting, I received a letter from a depressed-sounding Richard Gephardt (no mention of Foley now). "On election day, the Democratic Party sustained its worst defeat in almost half a century," he wrote. What now? Gephardt seemed at a complete loss. "In the coming weeks, we must adapt to our new role in Congress," he continued. "We must try to find some type of common ground with the new majority."

Then it was back to begging. "Please, for the sake of the party, its principles, and President Clinton, please step forward today." But he won't get any more money from me—at least not until I get my autographed picture. ❐

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Bill Clinton — Thomas S. Foley

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Byron York is a writer and television producer in Washington.

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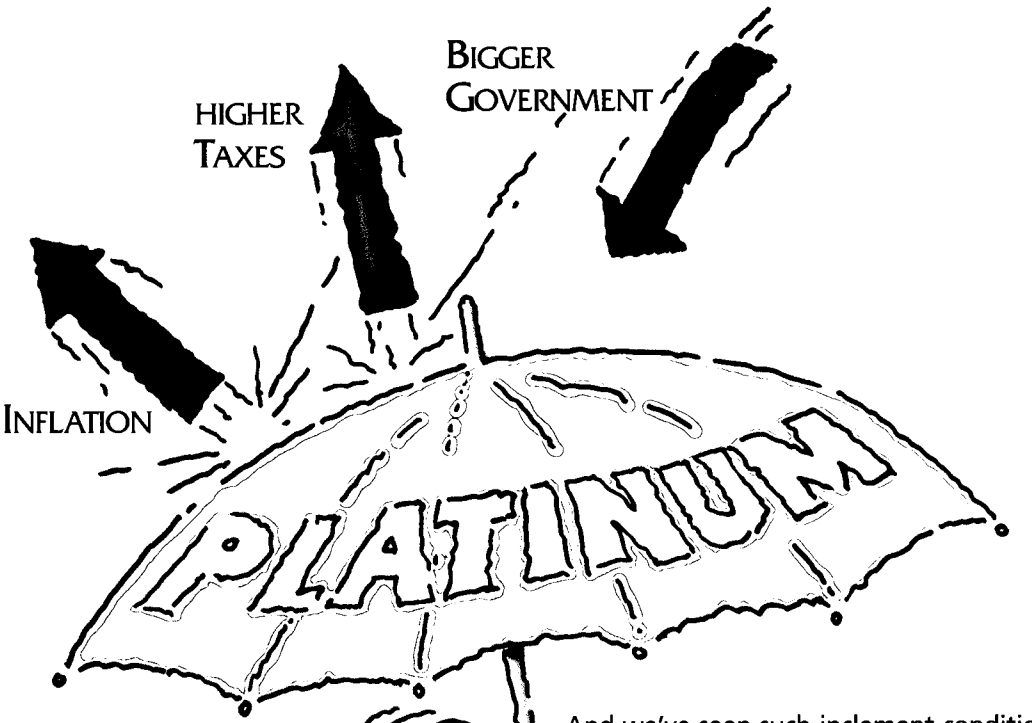

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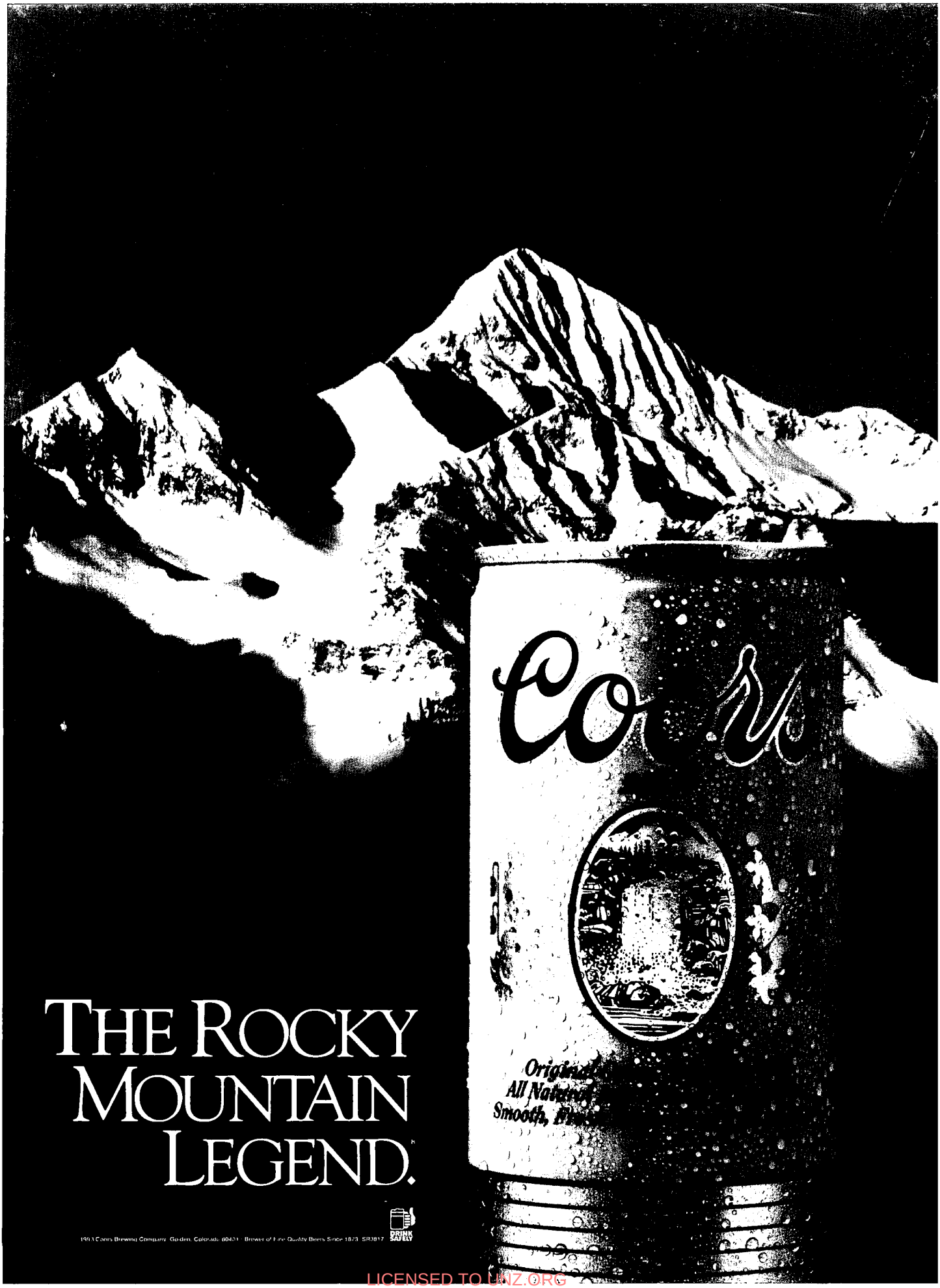

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